1st Annual Message

Sectn re US Bank [[illegible] ~~draft~~ !], much curtailed in final text.

~~R. II. 462.~~

hand of James A. Hamilton

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As the Charter of the Bank of the United States ~~does~~ ~~would~~ will expire in 1836, and its Stockholders will most probably apply for a renewal of their privileges; I ~~feel~~ in order to avoid the evils resulting from precipitancy in a measure involving such important principles and such deep pecuniary interests I feel that I cannot in justice to our constituents and to the parties interested too soon present it to the deliberate consideration of the Legislature and ~~that~~ the people ~~in order that it may receive all the~~ ~~[illegible]~~ ~~discussion and~~ ~~investigation~~ ~~[illegible]~~

The constitutionality of this Law has been well questioned because ~~among other reasons~~ it infringes State rights by ~~be~~ ~~continuing~~ controuling ~~limiting~~ their illimitable power of taxing ~~the~~ ~~purpose~~ all private property within their ~~boundaries~~ Jurisdiction and, because it grants to those ~~interested in it~~ who holds the Stock an exclusive privileges of a dangerous tendency; ~~right to privileges and powers~~ Its expediency

~~Its expediency~~ is denied by a large portion of our Citizens while others insist that its operation is extensively injurious to ~~a large portion~~ various parts of our Country and it is believed none will deny that it has failed ~~to~~ in the great end of establishing a uniform and sound currency throughout the United States

U.S. Bank

1st Annual Message

Bank Sectn
Draft of A.J.D.
Practically final
text (with excisns,
addns, + correctns)

~~R. II. 46x~~

Both the constitutionality and expediency of the law creating this Bank are well questioned ~~doubted~~ by a large portion of our fellow citizens, and it must be admitted by all that it has failed in the great end of establishing a uniform and sound currency

Take this in at Bank ap
Department

As the charter of the Bank of the Uni
expires in 1836, and its stockholders will most
for a renewal of their privileges, in order to
resulting from precipitancy in a measure
such important principles and such deep pecuniary interests, I feel that I cannot in justice ~~to our~~ ~~constituents and~~ to the parties interested too soon present it to the deliberate consideration of the Legislature ~~of the Legis-~~ ~~lature and the people~~ and the People. The constitutionality of the law creating this Bank has been questioned because it infringes state rights by controlling their illimitable power of taxing all private property within their territorial limits (jurisdiction) and because it grants to those who hold the stock exclusive privileges of a dangerous tendency. Its expediency is denied by a large portion of our citizens while others insist that its operation is extensively injurious to various parts of our country: and it is believed that none will deny that it has failed in the great end of establishing a uniform and sound currency throughout the United States.

Under these circumstances if such an institution is deemed essential to the fiscal operations of the Govt. I submit to the wisdom of the Legislature whether a national one institution founded upon the credit of the Govt and its revenues might

ied which would avoid all constitutional
ion, and at the same time secure all the
ges to the Govt. and the country that were
t result from the present Bank

Const. Amend.

1st Annual Message

A. Vail's Fair copy of J. A. Hamilton's preceding draft [possibly the latter portns are not His] Pencil annotatns by Berrien, Eaton, Van Buren, Kendall, inked in by Trist & D.

13 sheets

8 4
" x 3
x 96

(~~follows foreign relations~~) 10 O ~~[illegible]~~

A E Smoot

I consider it one of the most urgent of my duties to bring to your attention the propriety of amending that part of our Constitution which relates to the election of President and Vice President. Our system of Government was, by its framers, deemed an experiment; and they, therefore, consistently provided a mode of remedying its defects.

To the People belongs the right of electing the Chief Magistrate: it was never designed that their choice should, in any case, be defeated, either by the intervention of Electoral Colleges, or by the agency confided, under certain contingencies, to the House of Representatives. Experience proves that in proportion as agents to execute the will of the People are multiplied, there is danger of their wishes being frustrated. Some may be unfaithful: all are liab

herefore, as

the people can, with con

for them to express their o

The number of aspirants to

of the interests which may inf

reason to expect a choice in the f

that event, the election must devolve

Representatives, where it i[illegible] obvious, the

may not be always [illegible]ained; or i

not be regarded. From the mode of vo

choice is to be made by twenty four votes;

often occur that one of these will be controle

Representative. Honors and offices are

successful candidate. Repeated

it apparent [illegible] fles in

hand. May he not be tempted to name his reward? But even without corruption —— supposing the probity of the Representative to be proof against the powerful motives by which it may be assailed —— the will of the People is still constantly liable to be misrepresented. One may err from ignorance of the wishes of his Constituents; another from a conviction that it is his duty to be governed by his own judgement of the fitness of the candidates: finally, although all were inflexibly honest —— all accurately informed of the wishes of their constituents —— yet, under the present mode of election, a minority may often elect the President; and when this happens —— whatever may have been the character of the election —— it may reasonably be expected that efforts will be made on the part of
the major
ious operation of
ugh no evil of this cha-
such a perversion of the
tem —— that the majority is
certain that a President elec-
not enjoy the confidence necessary
his duties.

all other matters of public concern,
hat as few [illegible]diments as possible
o the free operation of the public will.
ndeavour so to amend our system as that
Chief Magistrate may not be conferred
in pursuance of a fair expression
ority.

recommend such an amendment
of

I would therefore 11 M. King recommend such an amendment of the constitution as may remove all intermediate agency in the election of President and Vice President. The mode may be so regulated as to preserve to each State its present relative weight in the election; and a failure in the first attempt may be provided for, by confining the second to a choice between the two highest canditates. In connexion with such an amendment, it would seem adviseable to limit the service of the Chief Majistrate, to a single term, of either four or six years. If, however, it should not be adopted, it is worthy of consideration whether a provision disqualifying for office the Representatives in Congreſs on whom such an election may have devolved, would not be proper.

While members of Congreſs can be constitutionally appointed to offices of trust and profit, it will be the practice, even under the most conscientious adherence to duty, to select them for such stations as they are believed to be better qualified to fill than other citizens; but the purity of our Government would doubtleſs be promoted by their exclusion from all appointments in the gift of the President in whose election they may have been officially concerned. The nature of the judicial office, and the neceſsity of securing in the Cabinet and in diplomatic stations of the highest rank, the best talents and political experience, should, perhaps, except these from the exclusion.

There are perhaps few men who can for any great length of time enjoy office and power, without being more or leſs under the influence of feelings unfavourable to a faithful discharge of their public duties. Their integrity may be proof against improper considerations immediately

addressed

addressed to themselves; but they are apt to acquire a habit of looking with indifference upon the public interests, and of tolerating conduct from which an unpracticed man would revolt. Office is considered as a species of property; and Government, rather as a means of promoting individual interests, than as an instrument created solely for the service of the People. Corruption in some; and in others, a perversion of correct feelings and principles divert Government from its legitimate ends, and make it an engine for the support of the few at the expense of the many. The duties of all public officers are, or at least, admit of being made, so plain and simple that men of intelligence may readily qualify themselves for their performance; and I cannot but believe that more is lost by the long continuance of men in office, than is generally to be gained by their experience. I submit therefore to your consideration whether the efficiency of the Government would not be promoted, and official industry and integrity better secured by a general extension of the law which limits appointments to four years.

In a country where offices are created solely for the benefit of the People, no one man has any more intrinsic right to official station than another. Offices were not established to give support to particular men at the public expense. No individual wrong is therefore done by removal, since neither appointment to, nor continuance in, office, is matter of right. The incumbent became an officer with a view to public benefits; and when these require his removal, they are not to be sacrificed to private interest. It is the People, and they alone, who

have

have a right to complain, when a bad officer is substituted for a good one. He who is removed has the same means of obtaining a living, which are enjoyed by the millions who never held office. The proposed limitation would destroy the idea of property now so generally connected with official station; and althoug individual diſtreſs may be sometimes produced, it would, by promoting that rotation which constitutes a leading principle in the republican creed, give healthful action to the system.

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2-9

No very considerable change has occurred during the receſs of Congreſs, in the condition of either our agriculture, commerce or manufactures. The operation of the Tariff has not proved so injurious to the two former, or as beneficial to the latter, as was anticipated. Importations of foreign goods have not been sensibly diminished; while domestic competition, under an illusive excitement, has encreased the production much beyond the demands of home consumption. The consequences have been, low prices, temporary embarraſsment and partial loſs. That such of our manufacturing establishments as are based upon capitol and are prudently managed, will survive the shock and will be ultimately profitable, there is no good reason to doubt.

To regulate its conduct so as to promote equally the prosperity of these three cardinal interests, is one of the most difficult tasks of Government; and it may be regretted that the complicated restrictions which now embarraſs the intercourse of Nations, could not by common consent be abolished, and commerce allowed to flow in those

those channels to which individual enterprize — always its surest guide — might direct it. But we must ever expect selfish legislation in other Nations, and are therefore compelled to adapt our own to their regulations, in the manner best calculated to avoid serious injury, and to harmonise the conflicting interests of our agriculture, our commerce and our manufactures. Under these impressions, I invite your attention to the existing Tariff: believing that some of its provisions require modification.

The general rule to be applied in graduating the duties upon articles of foreign growth or manufacture, is, that which will place our own in fair competition with those of other countries; and the inducement to advance even a step beyond this point, are controlling in regard to those articles which are of primary necessity in time of war. When we reflect upon the difficulty and delicacy of this operation, it is important that it should never be attempted but with the utmost caution. Frequent legislation in regard to any branch of industry, affecting its value and by which its capital may be transferred to new channels, must always be productive of hazardous ~~loss and~~ speculation and loss.

In deliberating therefore, on these interesting subjects, local feelings and prejudices should be merged in the patriotic determination to promote the great interests of the whole. All attempts to connect them with the party conflicts of the day, are necessarily injurious, and should be discountenanced. Our action upon them should be under the control of higher and purer motives. Legislation

subjected

subjected to such influences, can never be just, and will not long retain the sanction of a People whose active patriotism is not bounded by sectional limits, nor insensible to that spirit of concession and forbearance which gave life to our political compact and still sustains it. Discarding all calculations of political ascendency, the North, the South, the East and the West should unite in diminishing any burthen of which either may justly complain.

The agricultural interest of our country is so essentially connected with every other, and so superior in importance to them all, that it is scarcely necessary to invite to it your particular attention. It is principally as manufactures and commerce tend to add to the value of agricultural productions and to extend the enterprize, and increase the means of enjoyment of that useful, intelligent and virtuous portion of our fellow citizens, that they deserve the fostering care of Government.

Looking forward to the period, not far distant, when a sinking fund will no longer be required, the duties on those articles of importation which cannot come in competition with our own productions, are the first that should engage the attention of Congress in the modification of the Tariff. Of these, Tea and Coffee are the most prominent: they enter largely into the consumption of the country, and have become articles of necessity to all classes. A reduction, therefore, of the existing duties, will be felt by all as a common benefit; but like all other legislation connected with commerce, to be efficacious and not injurious it should be gradual and certain

[illegible]

The state of the finances exhibits the resources of the Nation in an aspect highly flattering to its industry, and auspicious of the ability of government, in a very short time, to extinguish the public debt. When this shall be done, our population will be relieved from a considerable portion of its present burthens; and will find, not only new motives to patriotic affection, but additional means for the display of individual enterprize. The fiscal power of the States will also be increased, and may be more extensively exerted in favour of education and other public objects: while ample means will remain in the Federal Government to promote the general weal, in all the modes permitted to its authority.

After the extinction of the Public Debt, it is not probable that any adjustment of the Tariff upon principles satisfactory to the People of the Union, will, untill a remote period if ever, leave the Government without a considerable surplus in the Treasury, beyond what may be

7

1st Annual Message—

Const. Amendment
Tariff
Beginning of Treasury & Surplus

Debts

Clerk's hand?

Printer's copy

~~R. II. 449-51.~~

I consider it one of the most urgent of my duties to bring to your — attention the propriety of amending that part of our Constitution, which relates to the election of ~~the~~ President and Vice President of the U States. Our system of Government was, by its framers, deemed an considered as experiment; and they, therefore, consistently wisely provided a mode of remedying its defects.

1 To the People ~~confessedly~~ —

belongs the right of electing their Chief Magistrate: ~~to defeat their choice, in any case, cannot be the effect that was intended~~ It was never designed that their choice should, in any case, be defeated either by the intervention of Electoral Colleges, or by the agency ~~committed~~, confided, under ~~in a~~ certain contingencies, to the House of Representatives. Experience ~~has established what reason teaches~~ proves, that in proportion as Agents to execute the will of the People are multiplied, there is danger of ~~its~~ their wishes being frustrated. Some may be unfaithful; all are liable to err. So far, therefore, as the People can, with convenience speak, it is safer for them to express their own ~~opinions~~ will. ~~New York appoints thirty six Electors, and as~~

~~State less than three. Would it not be more convenient, as well as more secure, for the People to apply their votes immediately to the end in view~~?

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The number of aspirants to the Presidency, and the diversity of the interests which may influence their claims, leave little reason to expect a choice, in the first instance; and, in that ~~unpropitious~~ event, the election must devolve~~s~~ on the House of Representatives, where, it is obvious, ~~that~~ the will of the People may not be always ascertained; or, if ~~so~~ ascertained, may not be regarded. From the mode of voting by States, the choice is to be made by twenty four votes, and it ~~must~~ may often occur that one of these ~~is~~ will be controled by an individual Representative. [~~We are bound~~ Will it be favorable to the success of the great experiment ~~by a regard to all we hold dear as~~ of the capacity of this people for Self Government ~~citizens, not to rely so far on human~~ thus to expose the Representative ~~nature as to expose it to temptations~~ to temptation ~~like this~~] Honors and offices are at the disposal of the successful candidate. Repeated ballotings ~~will~~ may make it apparent that a single individual holds the cast in his hand. – May he not be tempted ~~What temptation is there not~~ to name his reward? – But, even without corruption; ~~Suppose~~ supposing ~~that~~ what the probity of the Representative, ~~a supposition as justly to be indulged in~~

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~~regard to our countrymen, as to any people of any age or nation,~~ ~~is~~ to be proof against the powerful motives by which it may be assailed, the will of the people is still constantly liable to be misrepresented. One may err from ignorance of the wishes of his constituents; another from a conviction that it is his duty to be governed by his own judgment of the fitness of the candidates; Finally, although all were are inflexibly honest, all accurately informed of, ~~and conscientiously obedient to,~~ the wishes of their constituents, yet under ~~a~~ the present mode of election ~~in which a million of people in one State~~

31. 31

* to rectify this injurious operation of their institutions.

~~may have no more weight than a few thousands in another~~, a minority may often elect the President; and when this happens, ~~whatever may have been the character of~~ ~~whether the elections have been~~ ~~the election~~ — ~~pure or corrupt~~, ~~it is not to be~~ ~~it may~~ ~~can we~~ reasonably be expected that ~~no~~ efforts will ~~not~~ be made, ~~[illegible]~~ ~~to [illegible]~~ on the part of the majority,* ~~to rectify this injurious operation of their representatives~~ Constitution ~~by means without the provisions of the Constitution~~? ~~But~~ altho ~~should not this, or any other~~ no ~~evil~~ of this character should ~~result from such a perversion of the first principle of our system, that the majority is to govern,~~

But although no evil of this character should result from such a perversion of the first principle of our system, that the majority is to govern,

~~It~~ it must be very certain that a President elected by a minority cannot enjoy the

un-

32. 32 ~~28~~

confidence necessary to a ~~the~~ successful discharge of his duties.

In this, as in all other matters of ~~important~~ public concern, ~~sound~~ policy requires that, as few impediments as possible should exist to the free operation of the public will. Let us, then, endeavour so to amend our system as that the office of Chief Magistrate ~~shall~~ may not ~~devolve~~ be conferred upon any citizen but in ~~one~~ ~~sequence of an unequivocal~~ ~~pursuance of a fair~~ pursuance of a fair expression of the will of the majority. ~~In such an arrangement will be found the only solid pledge of harmonious acquiescence in the result. Hence,~~ I therefore ~~would~~ ~~recommend~~ recommend ~~such an~~ ~~of~~

~~Such an amendment~~

Leave

30 38

~~Actuated by these views, I~~

·/· ~~earnestly~~ submitted ~~recommend~~ such an amend-ment of the Constitution as, ~~may~~ remove all intermediate agency in the ~~between the people~~ election of the President and Vice President, ~~will submit the question directly to the People~~. The mode may be so regulated as to preserve to each State its present relative weight in the election; and a failure in the first ~~instance~~ attempt may be provided for, by confining the second ~~election~~ to a choice between the two highest Candidates. ·/·

~~In connexion with this amendment, it would seem advisable to enlarge~~ restrict the service of the Chief Magistrate to a single term either of 4 or six years as might on deliberation ~~seem~~ appear most proper. But (over)

In connexion with such an amendment it would seem advisable to ~~limit~~ limit the service of the Chief Magistrate to a single term of either 4 or 6 years. If however it should not be adopted (it is worthy of consideration whether a provision disqualifying for office the Representatives in Congress on whom such an election may have devolved would not be proper—

(Over)

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if this mode shall not be
adopted, & the present be permitted
still to continue, then is it worthy
of reflection if a disqualification
to office should not be extended
for a time to those Reps in Congreſs
on whom the right of deciding in
such a contest might devolve

While members of Congreſs
&c see pages 39 & 40

34.

~~Coming in at page~~ 33 ~~[illegible]~~
on the back of that page

While members of Congreſs can be constitutionally appointed to offices of trust and profit, it will be the practice, even under the most conscientious adherence to duty, to select them for such stations as they are believed to be better qualified to fill than other Citizens; but the purity of our Government would doubtleſs be promoted by their exclusion from all appointments in the gift of the President in whose election they may have been ~~[illegible]~~ officially concerned. The nature of the judicial office, and the neceſsity of securing in the cabinet and in diplomatic stations of the highest ~~rank~~ ~~grade~~, the best talents and political experience, should, perhaps, except these from the ~~prohibition~~. exclusion

~~There~~ There ~~are~~ perhaps ~~few men~~ few men who

~~who~~ can for any great length of time enjoy office & power, without being, more or less, under the influence of feelings in the unfavorable to the faithful) discharge of their public duties. Their integrity may be proof against improper considerations immediately addressed to themselves; but they are apt to acquire a habit of looking with indifference upon the public interests, and of tolerating conduct from which an unpractised ~~Under such circumstances~~ man would revolt. Office is ~~seems to be~~ ~~more~~ rather considered as a species of property, and Government rather ~~rather~~ as a means of promoting individual interests, ~~rather~~ than as an instrument created solely for the service of

36

Infidelity

the People. Corruption, in some, and ~~in others~~ in others, a perversion ~~of right~~ of correct feelings and principles ~~producing almost all the evils of corruption~~ its, divert Government from its legitimate ends, and make it an engine for the support of the few at the expense of the many. The duties of all ~~the~~ public officers are, or, at least, admit of being made, so plain and simple, that men of intelligence may readily qualify themselves for their performance; and, ~~speaking generally~~, I cannot but believe that more is lost by the long continuance of men in office, than ~~can possibly~~ is generally to be gained by their experience. I submit

~~it~~, therefore, to your consideration — whether the efficiency of the Government would not be promoted, and official industry and integrity ~~be~~ better secured,

by a general extension of the law which limits appointments to four years.

~~to all civil appointing~~
~~by subjecting appointments of Chiefs~~
extend by the
prescribed
~~of Bureaus and clerks, to the limitation~~
& expire at particular periods
~~of four years already imposed by law,~~
to [illegible] which are [illegible] to
~~in other cases.~~ to [illegible] have to
[illegible] be [illegible]

In a country where offices are created solely for the benefit of the People, no one man has any more intrinsic right to official station than another. ~~they~~ Offices were not established to give support to particular men at the public expence.; ~~But that every citizen may, under the protection and facilities which they are designed~~

By extending the limitation of four years already provided by law ~~to~~ in certain cases, to other appointments.

38

~~to afford, acquire, by honest industry, and enjoy in security, the means of supporting himself and family.~~

~~No~~ individual wrong is therefore done by removal, ~~for~~ since neither appointment ~~to~~, ~~was not~~, nor ~~in~~ continuance in, office, is ~~matter~~ of ~~a~~ right. The ~~individual~~ incumbent became ~~was made~~ an officer with a view to public ~~ends~~ benefits; and when these ~~ends~~ require his removal, they are not to be sacrificed to private interests. It is the People, and they alone, who have a right to ~~animadvert~~ ~~remonstrance~~ complain when a bad officer is substituted for a good one. He who is removed has the same means of obtaining a living, which are enjoyed by the millions who never held office. The proposed limitation would destroy the idea of property now so generally connected with official station; and although individual distress may be sometimes produced, it would, by promoting that rotation which constitutes a leading ~~article~~ principle in the republican creed, give healthful action to the system.

Const. Amend

1st Annual Message

D.'s copy of Kendall's preceding draft.

Extensive annotatns (mostly pencil) by Jn. Berrien.

4 sheets

people.

From the want of experience and a general diffusion of Knowledge, the southern republics have not made safe that liberty for which they have been so long contending. In some of them, one political system after another has been overturned by internal convulsions, the throes of which have not yet ceased; in others, the force and influence of the mother country are yet exerted to retard the progress of liberal principles, and prevent the establishment of Republican Governments. We trust, however, that the day is fast approaching when the restoration of peace and internal quiet under permanent systems of Government which shall secure the liberty of the citizen and promote human improvement, will enable us to salute them as brethren in principle and peaceful rivals in all that is truly glorious and great. With the other powers, our intercourse though more limited in in extent is of the most friendly character. In Russia whose territorial extent, numerous population, great power and merited fame, place her in the front rank of nations, the United States have always found a steadfast friend. Altho' we have looked upon her recent invasion of Turkey with no other interest than a lively sympathy for all those who suffer from the casualties and desolations of war, we cannot but anticipate that the results will favor the cause of civilization and the progress of human happiness, The independence of Greece will be permanently established and the returning day of art and science will cast its increasing light upon her classic shores. With the most lively enthusiasm the people and public functionaries of the United States hail reviving Greece, and are anxious to welcome the establishment, by her present sons, of institutions worthy of the ancestors whose country they inherit. In the indulgence of similar feelings many of them look also to Holland, Germany, Scotland & Ireland, which in addition to other grounds of attachment are the land of their ancestors and the homes of their kindred.

As a Government we regard all nations alike, and acknowledge our obligations to treat all with equal kindness and equal justice.

tempter. To name his reward?

brif

and, in a certain contingency, the reference of the
election to the House of Representatives, could not have
been intended to defeat the choice of the people. To say
that our Fathers contemplated such a result would be
to stigmatize their memories by
a denial of their republican principles ~~and a stigma~~
~~upon their memories~~. Experience has proved what reason
multiplied
teaches, that in proportion as agents are ~~employed~~ to
execute the will of the people, ~~in the same proportion~~
there is
~~is there~~ danger that the popular choice will be
defeated. Some of those agents may be ~~unfaithful~~;
~~some~~ corrupt; and all are liable to err. So far,
therefore, as the people can with convenience speak,
it is safer for them to express their own will. The
people of New York vote for thirty six electors,
and those of every other state for more than one.
Would it not be more convenient, as well as more
that their votes be immediately applied to the end in view?
safe for them to vote directly for President and
Vice President.?

for
~~So many are~~ The aspirants ~~to~~ the Presidency,
will
will probably be so numerous
~~and so different~~ the interests which ~~may~~ hereafter
may be so diverse
influence
~~constitute the basis of~~ their claims, that we have
a choice
little reason to expect ~~an election~~ by the people,
or their electors, in the first instance. In that
event the election devolves on the House of Rep-
probability that the
-resentatives, where the ~~chances of corruption and~~
will of the people will not be realized is obvious
~~unfaithfulness are more than doubled~~. As the
members vote by States, there are but twenty four

I consider it one of the most urgent of my public duties to bring to your attention the propriety of amending that part of our constitution which relates to the election of ~~the~~ President and Vice President. The framers of ~~our~~ system of Government ~~was considered by its framers~~ deemed it an experiment and so considering it they wisely provided in the fundamental law, a mode of correcting its errors and supplying its defects. If through reverence for ~~of~~ our fathers, we ~~neglect~~ refuse to profit by the admonitions of ~~reason and the lights of~~ experience, ~~we shall~~ their precautions ~~useless~~ ~~and prudence~~ will be rendered useless, and their ~~wisdom~~ ~~unavailing~~ foresight unavailing.

To the people belongs the right of electing their ~~own~~ chief magistrate. The interposition of electors

The votes of a State
votes, and it often happens that ~~each of many of the~~
~~number~~ is controulled by a single man. We ought not
expose it to
to rely so far on human virtue, as to ~~suppose that~~
a temptation like this — Honors and offices are
~~candidates will not offer, and members of Congress~~
at the disposal of the successful candidate — Repeated
~~will never accept, a portion of those offices, and honors~~
ballotings may ascertain that a single individual
~~which the Presidency commands as the price of votes.~~
holds in his hand the prize of empire — will he not be
But without corruption in the Representative body
the will of the people is constantly liable to be
misrepresented in such an election. Some may
err from ignorance of the wishes of their constituents.
be governed by
others from a belief that it is their duty to ~~consult~~
own judgment
their ~~opinions only~~ in relation to the fitness of the
contending candidates. Even if all be honest and
faithful, a minority may often make the President
in an election where a million of people in one
State have no more weight than a few thousands
this does happen
in another. and when ~~a minority makes the~~
~~President~~, no matter whether the election be pure
or corrupt, what have we to expect but a struggle
on the part of the majority to regain their power,
and place in the executive chair the candidate
of their choice? It cannot be anticipated that
a President elected by a minority will ever
be permitted to administer the Government in
peace. He cannot do the good he would, and
which is always oper
he has an ~~ever active~~ inducement, to use
the power and patronage of the Government

this amendment should be adopted, it would seem advisable to enlarge the term of the chief Executive Magistrate to six years so as to conform it to that of Senators, and then to render these incumbents ineligible for a second term x

less under the influence of feelings, which are unfavorable to the faithful discharge of duty. Their integrity may preserve them from the influence of improper motives directly addressed to them, but they are apt to x to increase the number of his supporters, and thus ~~endeavor~~ to secure a selection by the voice of the majority.

True policy as well as correct principle requires that the public will should ~~flow~~ be freely expressed in this important election. Every obstruction is calculated to ~~[illegible]~~ create parties, and to promote dissention. The will of a powerful people cannot be peaceably and safely thwarted. In despotic Governments it seeks ~~its end in bloody revolutions~~ the attainment of its object by insurrection; in republics it accomplishes ~~them through~~ that object by the exercise of the right of suffrage. In the former it is sometimes conquered by ~~mercenary~~ the mercenary bayonets; ~~in the latter~~ it is often assailed in the latter by the arts of corruption and deceit – & ~~its conquest in a~~ its failure from whatever cause marks ~~in a~~ Republic ~~is a sign of the~~ decay of public virtue, & its ~~victory~~ defeat is often achieved at the expense of social harmony & private repose. Let us then so amend our system ~~as~~ that, in the election of a chief Magistrate, the public will be freely expressed ~~to let it reign unobstructed~~. If there be any who doubt whether the people have the intelligence which would enable them to make a judicious choice, let them think, not how ~~they~~ such a people may be deprived of their rights, but how they can be most promptly qualified to use them with discretion. Let such statesmen turn all their energies to the establishment of schools in their several states, which ~~shall~~ will enable the humblest of their fellow-citizens to understand their rights, and

8.

to know how to preserve them.

Actuated by these views, I earnestly recommend such an amendment of the constitution as will remove all intermediate agency in the election of President & vice President and submit the question directly to the people. The mode may be so regulated as to preserve to each state its present relative weight in the election, and in case there be no choice in the first instance it may ~~might~~ be again referred to the people to decide between the two highest candidates —— If

Should ~~If~~ Congress ~~should~~ doubt the wisdom or salutary effects of the proposed ~~such a~~ change, it is worthy of consideration whether every member of that body ~~Congress~~ who may vote in the election of ~~for a~~ President ought not to be disqualified by a constitutional provision from holding any office of trust or profit under his appointment. ~~Temptation and suspicion would thus be removed from the members of Congress when acting as electors,~~ ~~and~~ ~~if the President himself were made ineligible for a second term much would be done to obviate the dangers which threaten our institutions.~~

There are perhaps few men who can ~~long~~ for a long time enjoy ~~possess~~ office & ~~honor~~ the power which is unrestricted ~~without being more or less corrupted~~. ~~If they do not sell their integrity for money, they~~ acquire a habit of looking with indifference

~~But if the proposed amendment should be adopted, an alteration in the official term of the President, by extending it to the term six years, and to conform it to the official term of the Senators, is also recommended — and in this event~~ ✗

9

~~upon~~ at the public interests, and tolerating of acts ~~at~~ from which an unpractised man would revolt. ~~office becomes in their minds a kind~~ Such persons come to consider office as a species of property, and Government ~~is viewed more~~ rather as a means of ministering as an instrument of ~~ad~~ministering to ~~their~~ individual interests, rather than as an institution created solely for the happiness of the people. Corruption in some, and a perversion of right feelings and principles in others producing almost all the evils of corruption, divert Government from its legitimate ends, and make it an engine for the support of the few at the expense of the many. The duties of all the public offices ~~well [illegible] accurately specified~~ are, or ought to be, so simple and plain that men of intelligence may soon learn to perform them; Speaking generally, I cannot but think, that more is lost by the long continuance of men in office, than can possibly be gained by their experience; and I submit it to your consideration whether the Efficiency ~~security~~ of ~~the~~ public offices would not be better preserved, and official integrity be more certainly, industry and economy be promoted, ~~and the Treasury be made more safe~~ by ~~submitting~~ ~~imposing some other limitations upon the~~ subjecting appointments of ~~heads~~ Chiefs of Bureaus, and clerks, to the same limitation from [illegible] now prescribed by law for others in other cases ~~than those which now exist~~.

In a country where offices are created solely for the benefit of the people, no one man has ~~no~~ any more intrinsic right to ~~any~~ official station than another offices were ~~they are~~ not ~~created~~ established to give support to particular men at the public expense; but that every citizen may, under the protection of a free and cheap Government, acquire by honest industry the means of supporting himself and family. No wrong is done to him who is removed from office, for ~~it~~ the appointment was ~~not~~ given to him on his own account. He was made an officer that the public good might be promoted; and when the public good requires his removal, his private interest is not to be consulted. It is The people, and they alone, who have a right to complain when a bad officer is substituted for a good one; ~~but not the removed officer.~~ The removed officer ~~He~~ has the same means of obtaining a living under the protection of Government which are enjoyed ~~possessed~~ by the millions who never held office. The proposed limitation of the term would destroy the idea of property in an office now so prevalent, would obviate the clamour about removals and whatever ~~of~~ individual distress may be sometimes produced by them, would give healthful action to the system of Government, and promote that rotation in office which constitutes a leading article in the republican creed.

While members of Congress can be constitutionally appointed to offices of profit and trust it will be the practice, and perhaps it is the duty of the Executive to select them for ~~such~~ those stations ~~where~~ in which he honestly believes that they will render better service to the public than other citizens. But it would doubtless tend to secure the purity of our Government if they were excluded from all appointments ~~to be bestowed~~ in the gift of the President whose election they may have promoted. The nature of the judicial offices, and the necessity of securing the best talents and political experience in ~~the members of~~ the cabinet and in the highest ~~grade~~ rank of foreign ministers, should perhaps exclude those places from the prohibition

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Const. Amend

1st Annual Message

Hand & draft of J. A.
Hamilton, modelled to some
extent upon the preceding
Kendall versn.

Text approaching
finality: verbal revisn,
& excisn as indicated.

(incomplete)

3 sheets

68

amendments of Constitution. 1 Sheet

1

I consider it one of ~~many~~ the most urgent of my duties to bring to your attention the propriety of amending that part of our constitution which ~~provides for~~ relates to the election of President and Vice President. Our system of Government was by its framers deemed an experiment, and they therefore consistently provided (~~in the organic act~~) ~~fundamentally~~ a mode of remedying its defects

To the People confessedly belongs the right of electing their chief magistrate; To defeat their choice in any case cannot be the effect that was intended either by the intervention of Electoral colleges or by the agency committed in a certain contingency to the House of Representatives. — Experience has ~~[illegible] of the cases~~ established ~~in~~ what reason teaches, that in proportion as agents to execute

Library of Congress

2

execute the will of the people are multi:
:plied there is danger of its being frus:
:trated; some may be unfaithful—
all are liable to err—So far therefore as the
people can with convenience speak it is
safer for them to express their own will.
New York appoints 36 Electors and no
State less than 3. Would it not be more
convenient as well as ~~more~~ most ~~safe~~ secure for
the people to apply their votes imme:
diately to the end in view?

The number of the aspirants to
the Presidency ~~in future~~ and the
diversity of the interests which may
influence their ~~choice~~ claims leave
little reason to expect a choice in the first in:
:stance. ~~In the event of a failure~~ and
in that unpropitious event the election
now devolves on the House of Representa:
:tives when it is ~~be~~ obvious that the
will of the people ~~[illegible]~~ may not be always ascertained or
of ~~known~~ so may not be regarded From the mode
of voting by States the choice is to be
made by 24 votes and it must often
occur

Amend't of Cons

2d Sheet

occur that one of these is controlled by an individual Representative — we are bound by a regard to all we hold dear ~~to us~~ as citizens not to rely so far on human nature as to expose it to temptations like these. Honors & offices are at the disposal of the successful candidate. Repeated ballotings will make it apparent that a single individual holds the Cast in his hand — What temptation is there not to name his reward? — But even without corruption; suppose the probity of the Representation (a supposition ~~to be as fairly~~ as justly to be indulged in regard to our countrymen as to any people of any age or nation) is proof against the powerful motives by which it may be assailed; the will of the people is still constantly liable to be misrepresented. One may err, from ignorance of the wishes of his constituents, another from a conviction that it is his duty to be governed by his own judgment of the fitness of the Candidates. Finally although

although all are inflexibly honest — all accurately informed of, and conscientiously obedient to the wishes of their constituents yet under a mode of Election in which a Million of people in one State may have no more weight than a few thousands in an other a minority may often elect the President, and when this happens whether the election have been pure or corrupt ~~how much more have we to expect~~ ~~what~~ can we reasonably expect ~~but~~ that an effort will not be made on the part of the majority ~~of the~~ to rectify this injurious operation of their Representatives by means ~~not in the~~ without the Provisions of the Constitution? ~~Should~~ ~~Then~~ or But should not this or any other evil result from such a perversion of the first principle of our system that ~~a~~ the majority is to govern it must be very certain that a President elected by a minority cannot enjoy the ~~sup-~~ confidence ~~but~~

Amendts Constn./

3. That

confidence necessary to the successful discharge of his duties.

In this as in all other matters of important public concern sound policy requires that as few impediments as possible should exist to the free operation of the public will Let us then so amend our system as that the office of chief magistrate shall not devolve upon any citizen but in consequence of an unequivocal expression of the will of the Majority In such an arrangement will be found the only solid pledge of harmonious acquiescence in the result – ~~If it be~~ ~~there be a doubt~~ ~~doubted which I shall disclaim whether~~ ~~by any that the people possess the intelligence requisite to a Judicious choice~~

If there be a doubt which I utterly disclaim ~~be doubted by any~~ whether ~~whether that~~ the people possess the requisite to a Judicious choice intelligence ~~let those who have in:~~ ~~[illegible] condemn our whole system~~ Let the means be devised by which

all ~~that~~ ought to ~~be omitted~~ If ~~retained~~ I think it ought to be ~~[illegible]~~ed as it is by the pencil

~~deem the means not to curtail the proofs of their liberty an attempt alike futile & flagitious but how~~ they can be most promptly qualified to ~~to~~ exercise it with discretion ~~&~~ ~~But these means devote the~~ the energies ~~of thy nation be devoted~~ within the constitutional limits to the diffusion of knowledge to the establishment ~~of these in the States~~ of such systems of Education ~~direct~~ as shall embrace the humblest of ~~them~~ our fellow citizens & exalt them all to a clear ~~conviction~~ comprehension of their rights and the means by which they can be best exercised and secured.

Actuated by these views I earnestly recommend such an amendment of the Constitution as removing all intermediate agency in the Election of the President & Vice President will submit the question directly to the people. The mode may be so regulated as to preserve to each State its present ~~relation~~ relative weight in the election and a failure in the first instance may be provided

1st Annual Message

Jackson's notes on the Seneca fund.

Cf. ~~R. II. 45~~6 – the bulk of ~~the~~ detail was transferred to the Sec. of War's Report

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1st Annual Message

J's draft
Seneca Indian ~~F. R. II. 456.~~

[There is another J.
draft of this – prob.
a fair copy of this
one]

Seneca Indians $100,000

The investment of ~~this~~ was made agreeable to
the stipulations in the treaty ~~[illegible]~~ in the
U States Bank in month 1798 — the dividends amounting
received by the U. S. on the stock ~~[illegible]~~ to be ^ annually amounting
about $7000 pr annum ^ which was paid to them ^
except $8,430 which was invested in fifteen
additional shares in February 1804 March 1806 &
March 1807. the charter of the U. S. bank
In the year 1811 the whole amount of 220 shares of
expired and the
stock was recd. by U. S. in dividends at different
periods $77,200 — ^ which was in 1812 and amounted to $95,000
of this amount $93,060 was invested in $93,602
66/100 6 per cent stock and $1980 was carried to the
Indian appropriation.

The 6 per cent stock produced an interest of
$5,618 pr annum which was recd. by the U States
until it was paid off.

The proceeds $93,602 66/100 was invested by direction
of the President of the U. States in $112,853 78/100 3 per cent
Stock. The stock produces now but $3,385 57/100 per
annum the dividends were drawn by the [illegible] and carried to
Sec of war up to the 1st of Octr 1825, and carried to
as all the dividends have been since 1812 to
the credit of the of the genl Indian appropriation
At the expiration of the charter of the U. Bank

The Seneca Indians expressed some uneasiness as to their annuity, but was informed by the ~~thru agent of the~~ War Department, that there would be no interruption of it; since 1812 the sum of $6000 has been drawn from the Indian appropriation & remitted regularly to them annualy thro' their agent as interest upon the Stock held by the President of the United States in trust for them. I ~~can~~ find no law authorising this operation & not being able to see any power ~~given~~ by any law to the Executive to pay more than what the Trustee recd as interest ~~accruing~~ annually on the Dividend of their Stock, having as he believes no Legislative power, but merely ~~an~~ executive to see the laws duly executed, he directed the Sec of War, his legal appointed agent to pay over the amount of the interest only ~~the~~ due ~~on~~ this Stock, & no more, until Congress by some enactment might direct otherwise, ~~for which~~ purpose he has brought it to their view—

The President

When I came into the executive office, there were transferred to me by my predecessor, in trust for the Seneca tribe of Indians the amount of $122,853 of three percent stock, which produces an annual interest of $3.385 59/100. It appears from the history of this transaction that as early as 1798, the sum of ~~some~~ $100,000 was invested, agreeable to the stipulations of a Treaty by Robert Morris with the Seneca tribe, in the Bank of the U. States, & held by the President in trust for them – In the year 1811 the charter of the Bank of the United States expired, & up to this period the annual dividend averaged the sum of $7000, which was paid to them – The Trustee caused this $100,000 after the Bank charter ex=pired to be invested in 6 percent stock, which ~~was paid by~~ ~~it~~ produced an annual interest of $5.618 which was paid to the United States & the government paid over to the Seneca tribe the annual sum of $6000, all the dividends since 1812, up to 1828, have been recd by the secretary of war, and passed to the credit of the United States, and the annual sum of $6000, paid over to these Indians upto ~~annually~~ ~~to the Seneca tribe~~ & including the year 1828. ~~to the~~ At the expiration of the charter of the U.S. it appears, that assurances was given by the then Secy of war that there should be no interruption of this fund, and the annual sum of $6000, was continued to be paid to the Seneca tribe of Indians without any legislative enact=ment by congress – The stock when transferred to me was only producing the sum of $3,385.59/100 requiring the sum of $2614.41/100 annually to be added from sums in the Treasury for which there ~~are~~ were no appropriation by law to make up the $6000, which was annually paid by the trustee agent ~~of~~ the Seneca tribe of Indians.

I have carefully examined, and can find no authority for the payment of this annual sum of $6000 to this tribe of Indians, or any sum

but the real interest which the stock annually produ-
-ces, nor no specific appropriation for it, and
The Executive having no legislative power, ~~all~~ [illegible]
~~Executive to see that the laws shall be faithfully~~
~~executed~~ I directed the Sec of war, as trustee, to
the Seneca tribe of Indians, to pay over to their agent the precise sum
which had accrued in interest from the three percent
stock which had been transferred to me
by my predecessor, ~~this money~~ until Con-
-gress should act upon this subject it is
therefore brought to your consideration

~~Those Indians~~ [illegible] ~~government stock~~ [illegible]
~~they know~~ [illegible] It is for congress to
determine whether, ~~they~~ as heretofore the
sum of $6000 shall be paid them annually,
or only the ~~real~~ sum annually arising from
the interest upon their stock — should then
congress ~~decide~~ direct by law that the sum
of $6000 per annum should be paid to them,
then the sum of $2614 41/100 will be necessary
to be appropriated for the present, & a
like sum for the succeeding year —

The Seneca
Indians —
for message —

Virginia
Temperance

1st Annual Message

Prob. Jackson's own draft of the Indian removal sectn.

~~P. II. 456-7~~

jurisdiction [redacted] of a state, where diff [redacted]
be [redacted], there are [illegible]
premises cannot be efficiently [illegible]
[illegible] passing beyond the [illegible]
Thus, through the fostering & protecting care
of the government aided by their own
exertions, a hope may be entertained
that in the end their best expectations
may be realized.

Recollecting that these unfortunate
people, were once the uncontrolled &
indisputable owners of this immense
region of country, & that they have
generally retired, yielding from time
to time to the solicitations of their
white brethren, until they are only
to be found far in the interior, it is
but justice that a proper degree of sympathy
should be awakened in their behalf. It is
a subject of great interest, and deserves
so to be considered that posterity may do
justice both to our motives & our actions towards them.

But while generous feelings
are entertained towards this race, it
should not be at the sacrifice of principle
and of the interests of the [illegible] and the
States of this Union are [illegible]
rights they have parted with to the general Government for mutual be[illegible]
and defence. They have not again [illegible]

[illegible]
[illegible]
[illegible]
[illegible] through
[illegible] be made the States [illegible]
[illegible]ents, it takes [illegible] not
only the right to resist, but a right to
demand of the U. States to sustain them
in that resistance. Upon this subject,
there would remain no discretion,
because over it there is no power
granted. The States or the Indians, must
be Sovereign, because in such a case
power cannot be concurrent. But
our red friends, acting under erroneous
impressions, have conceived
the idea, that the States within which
they reside, are incapable of extending
over them their legislative acts, &
that with entire independence, they
may proceed within their limits to
all the exercised privileges which
belong & appertain to Sovereignty.
Until better advised the Executive
cannot consider itself authorised to
concede what is assumed; and accordingly
has disclosed to them through
the Secretary of War that which he
believed the rights of the States and their
own interest unequivocally demanded.
— What then is to be done? Let the
plan of removal beyond the Mississippi

1st Annual Message [?]

Apparently, draft by J. H. Eaton of Indian Removal Sect^{n}. Not used

~~[cf. R. II, 456-9.]~~

[incomplete]

[I don't see what else this c^{d}. be, with Eaton speaking for Jackson –]

the States respectively where they reside. To maintain a contrary doctrine, & to require the Executive to enforce it by the employment of a military force would be to place in his hands, a power to make war, and to trample upon the rights of the States and the liberty of the Country. It is a power which should be placed in the hands of no individual; the consequences & dangers to which it might lead, are so obvious that to reason on it, ~~seems~~ is ~~to~~ uncalled for & unnecessary—

If indeed the Indians be a people separate, & with distinct & independent rights, which they may exercise regardless of the interference of a States, strange appears the reason in the practices of the govt towards them. Why is it, that they have been called upon to assist in our wars without any exercise of opinion by or direction on their part? If an ~~independent~~ people, they should as such ~~have~~ been consulted & advised with. But this has not ~~[illegible]~~ been the course adopted. In an order which issued to me from the War Department in Sept 1814 this language is employed. "All the friendly Indians should be organized, & prepared to cooperate with your other forces. There appears to be some

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dissatisfaction among the Choctaws, their friendship & services should be secured without delay. The friendly Indians must be fed & paid, & made to fight when, & where, their services may be required. To an independent & foreign people, this would seem to be, assuming I should suppose rather too lofty a ~~ground~~ tone; & one which this government would not have assumed, if they had ~~to~~ considered them in that light

~~to the South~~ The practice of restraining intrusion upon Indian lands, had its origin with the commencement of our government, & become a subject of particular & special legislation in 1802. Tho' with the reservation, which previously had been ~~[illegible]~~ regarded, as to the rights, & authority of the States. The same course, & construction, in the South have nearly continued to the present time ~~unquestioned~~. So Carolina alone excepted. She uniformly has regulated Indian affairs within her limits. ~~& undisputed. And why? Because until lately, the [illegible]~~ But in the other States it has remained unquestioned & undisputed. And why? because until of the States, or it respects these people was dormant; no attempt on their part, having been made, to render the Indians within their limits subject to their policy, ~~[illegible]~~ & answerable to their laws. Georgia materially concerned, had forborne to spread her legislation farther than she found her own white citizens to be settled. But perceiving within her jurisdictional limits, recently a people, who claimed to be capable of self government sitting in legislature debating, organizing Courts, & administering justice; it occurred to her as proper, and she extended her laws ~~her laws [illegible]~~ ~~extended~~ throughout her limits. When this took place an altered aspect of things, ~~[illegible]~~ presented, but not a new one, for it has been anticipated by the proclamation of 1783, and was afterwards ~~[illegible]~~ distinctly looked to ~~[illegible]~~ by the 19th section of the act of 1802. In the language & meaning of that section, the tribes to the South and S. west are ~~[illegible]~~, not only "surrounded by settlements of the citizens of the U States"; but are also "within the ordinary jurisdiction of the individual States." In fact they are now, within their actual & asserted, & declared, jurisdiction, & they become so from the moment the laws were extended over them and are consequently within the exception & saving contained in the 19th Section. Why is it, that the US have omitted to interfere with the trade & intercourse of Indians in the Northern & middle States, the only conjecturable & probable reason, is that they have been considered within the exception which is reiterated in the 19 section of the act referred to. Georgia Alabama & Missi, having now avowed a right of jurisdiction throughout their respective limits, they are entitled to claim, in behalf of their sovereignty that the same course shall be pursued toward them, which heretofore has been conceded to other States of the Union.

Towards this race of people I entertain no

solutely the jurisdiction

no feelings of unkindness. However strong the sympathies of many well meaning persons towards them may be, mine are not less than theirs. Nor are the principles upon which I now ~~act~~ avow, recent with me. They have long, been entertained. Years since I stated to these tribes, my impression & belief, that when the States chose to extend their laws & jurisdiction over their country it would not be in the power of the general government to prevent it. My opinion remains the same. And to relieve them from this state of things, what is proposed? Nothing that ~~bears~~ the stamp of injustice! ~~[illegible]~~ It is proposed that they give obedience to the laws as others residing in the States must do; or if dissatisfied to, remove to the west, where they can be maintained under ~~your~~ their own customs. On consenting to remove! ~~Remove~~ The aid in a spirit of kindness ~~will~~ agree to defray their ~~defray your~~ expenses ~~&~~ supply the means of transportation, & grant supplies to their families for a year, until ~~their~~ farms can be opened ~~[illegible]~~ & agriculture spring up. Either of these courses promises quiet & harmony, & opening prosperity ~~[illegible]~~. While a contest between the general & state governments, can give ~~[illegible]~~ appearance of nothing that is agreeable or cheering. At every step, threatening must be ~~attendant~~ on such a course. We should forbear violence

~~dangers present themselves~~ [illegible]

& prejudice, & cleave to the plain common sense meaning of the Constitution. That ~~plain~~ rational mode of interpretation must ~~[illegible]~~, that conflicts & collisions with the States are to be avoided; & ~~nothing~~ be opposed by the general government, which the States have not consented to part with ~~[illegible]~~. Such a course with kind feelings entertained, & mutual forbearance practiced, in relation to honest differences of opinion, can not fail to lead us on to prosperity & happiness; a different one, may endanger every thing, of which our country has so many & such abundant causes for rejoicing.

1st Annual Message

A. Kendall's draft of Indian sectn, following the outline of the Donelson draft on the other side Basis of final text — excisns & verbal revisns.

~~R. II. 456-8.~~

1st p. of verso: a D. ¶ used in War. Dept. sectn them happy? To aid in producing such a result would give me unfeigned delight.

In the neighbourhood of partial civilization, they have almost passed away, and the places which once knew them will know them no more. And the same circumstances are about to overtake the Cherokees, Choctaws, Creeks, and all other Indians remaining within the limits of the States. Humanity would gladly avert them, and benevolence asks can nothing be done by which they may be continued in existence and made a prosperous & happy people? This question is proposed to this congress by all the generous sentiments of the American people: and it will give the Executive unfeigned delight to cooperate with it in any measures calculated to answer it satisfactorily.

For this purpose I submit the propriety of setting apart a large tract of unsettled country west of the Mississippi, and not included within the limits of any state or Territorial Govt, for the exclusive and unalienable use of such Indian tribes as may be induced to remove thither, which shall be known as the Indian Territory. Different tribes may be assigned by Treaty such portions of this territory as may correspond with their respective populations and with the size of the tracts which they may relinquish to the United States, for the purpose of enabling them to enjoy their distinct governments, patriarchal or otherwise as they may choose to adopt, subject only to such control

As a means of producing this result, I submit to your consideration of the propriety of setting apart an ample territory west of the Mississippi, and without the limits of any state now formed and leaving space for a range of states on the Mississippi and Missouri rivers, to be called the Indian Territory, guarantied to the Indian tribes as long as they shall occupy it and never to be included within the limits of any state. There each tribe which chooses to emigrate may receive its portion of territory more or less extensive according to its population or the possessions relinquished to the United States on this side of the river. There they may be permitted to enjoy their distinct governments patriarchal or otherwise according to their own choice subject to no other control from the United States than such as is necessary to preserve peace on the frontier and between the several tribes. There the benevolent might teach them by degrees the arts of civilizaas may be necessary to preserve peace among them, and such general subordination to the United States as may be ~~necessary~~ requisite to enforce the system of instruction and care which their condition may demand, and the humanity of the Govt. be willing to provide. In a Territory thus organized, and secured forever to the aborigines of the country, it is possible to preserve & civilize them; but as at present situated within the limits of the States, the vices of the whites which they only learn, render this anticipation vain indeed.

This policy should not be considered however as coercive. Those Indians who may ~~choose~~ prefer to submit to the jurisdiction of the States within whose limits they are located, are entitled to the ~~preservation~~ protection of their persons and property. Their title as commoners to the land which they have improved, and have not lost by war or Treaty with the United States, ought to be regarded as sacred; for they derive their right to it from the maker of the Earth. But should they claim tracts of country on which they have neither dwelt, nor effected any improvement, merely because they have seen them from the mountain or passed them in the chase, they overstep their right, and are to be restrained to the necessity of occupation and use which

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The report of the Secretary of war presented with this message will make you acquainted with the condition of our army, fortifications, arsenals, & Indian affairs. Our present regular force is adequate to the demands of the country. The proper discipline of the army, the equipment and training of the militia, the education of the cadets, and the gradual accumulation of all the means of defence, in connection with the naval force, will probably prolong that peace which every good citizen, and more especially those who have felt the miseries of even a successful prosperous warfare, must ardently desire.

The condition of our Indian brethren, resident within the boundaries of some of the states, is a very important and delicate object of your legislative care. It has been the policy of the Govt to change gradually their wandering habits by introducing among them the knowledge of civilization, and the possession of its comforts and means of happiness. But the system heretofore acted upon for this laudable purpose is not likely to secure it; indeed, has demonstrated its impracticability by the encouragement which it has afforded to the delusive idea that these tribes are capable of self Government. Independent of the difficulties which such an idea suggests, as it regards the sovereignty of the States within whose limits it would locate this new power, it must be apparent to every mind at all intimate with Indian character, that it is not

The condition and final destiny of our Indian brethren resident within the limits of some of our states have become objects of much interest and importance. It has long been the policy of the government to introduce among them the arts of civilization and reclaim them by degrees from a wandering life. This course of policy has been attended by another wholly incompatible with its success. While the government ~~have~~ has professed a desire to civilize and locate them, it has lost no opportunity to purchase their lands and thrust them further into the wilderness. By these means they have not only been kept in a wandering state; but they have been induced to look upon the whites as hypocritical and unjust, careless of the fate of the Indian and eager only to grasp his lands. Thus though lavish in its expenditures to civilize the Indians, government has constantly defeated its own policy and the Indians in general receding further and further to the West, maintain all their savage habits.

But some of the southern tribes having mixed much with the whites and made some progress in civil arts, have lately attempted to erect an independent government within the limits of Alabama. The state claimed to be the only sovereign within her limits and extended her laws over the Indians when the latter called on the susceptible of preservation, when surrounded by a white population, by the force of its own laws. Education and intelligence employed in the cultivation of the earth, and in the direction of those arts that preserve and elevate the social compact, must be the basis of such a power – that upon which a government calculated to perpetuate their race, and give them the capacity to understand their interests and respect those of the United States, must be built. But instead of these qualifications we know that they still ~~indulge~~ cling to their erratic habits; and that their resources uniformly decline with the disappearance of the game and the wildness of the forest; that this consequence of civilization they seem to have neither the knowledge of understanding, nor the power of conforming to, by the gradual accommodation of their wants to its necessary extension. This is one of the considerations which has governed the executive in declaring recently to the tribes within the limits of Georgia and Alabama, that their effort to establish an independent Govt within those states could not be sustained by the General Govt; but that indulging towards them the most humane feelings, his best exertions would be employed in providing for them beyond the Mississippi, a country in which its paternal care undisturbed by the opposing interests of those States, might assist them in rearing a Govt. suitable to their condition

United States for protection.

The question presented was whether the general government had a right to sustain and protect these people in establishing an independent government within the limits of a state without that states consent. The third section of the fourth article of the constitution declares "that no new state shall be formed or created within the jurisdiction of another state." If ~~the~~ general government is ~~an~~ not permitted to tolerate the creation of ~~another~~ a confederate state out of the territory of another state without her consent, much less could it permit a foreign and independent government to be established within a state. Alabama has been admitted into the Union on the same footing as the original states and defined by boundaries prescribed by Congress themselves. There is no constitutional, conventional or legal provision which allows her less power over the Indians within her borders than is possessed by Maine or New York. Would it be conceded by the people of Maine that the Penobscot Indians might establish an independent government within their limits and it would be the duty of the general government to protect them in that step? Would the people of New York tolerate that each remnant of the six nations within her borders has a right to declare itself an independent people under the protection of the United States? Could the Indians establish a separate Republic on each of their reservations in Ohio and would it be the duty of this government to protect them against the power of the state? If such a principle be conceded it will follow that the objects of this government are reversed and it is its duty to aid in destroying the states which it was established to protect.

Actuated by this view of the powers and duties of this government, I informed the Indians inhabiting ~~[illegible]~~ parts of Georgia and Alabama, that their attempt

According to the fundamental principles of the Federal union each State has sovereign jurisdiction within its ascertained limits, except over such subjects as are delegated by them to the United States, among which cannot be reckoned the claim of the Indians in such case to a Govt. independent of the State laws. The 3d section of the 4th article of the constitution declares "that no new state shall be formed or created within the jurisdiction of any other state": and the general spirit of the articles of confederation in which the controul of the Union over Indian affairs was made subordinate to the States on points of jurisdiction & sovereignty, instead of being renounced in the present constitution is enforced in many articles besides that just quoted: so that there can be no risk in the inference that so far from the General Govt being permitted to countenance the creation of any State or independent Govt within the limits of any of the original states of the Union, it is made its positive duty to oppose it. and if there are any treaties made by the United States with the Indians in which this obligation has not been respected, they must be considered as unconstitutional and void. The Executive Department possesses no evidence to shew that the Territorial limits of Georgia, Alabama, & Tennessee, are not as clearly defined as those of Massachusetts, Connecticut, or New York, in each of which there have been Indian reservations of land; and in the three former jurisdiction ought to be exercised on the same principles, and to the same extent as in the three latter, unless it can to establish an independent government could not be sustained or countenanced by the Executive of the United States and advised them to emigrate beyond the Mississippi or submit to the laws of the states.

Our conduct towards these people deeply involves our national character. Their present condition contrasted with what they once were, forms a most powerful appeal to our sympathies. Our ancestors found them the uncontrolled possessors of this vast continent. By persuasion and force the whites have induced them to retire from river to river and from mountain to mountain thinned in their retreat by our violence and our vices until some of their tribes have become extinct and others have left but remnants to preserve for a while their once terrible names. Surrounded by the whites with their arts of civilization, which by destroying the resources of the savage dooms him to weakness and decay, the fate of the Mohegans the Narragansetts and the Delawares is fast overtaking the Cherokees, the Choctaws and the Creeks. "The places which now know them will soon know them no more" and their names will be added to the list of extinguished nations. That this fate surely awaits them if they remain within the limits of the states does not admit of a doubt. Humanity asks and our national honor demands what can be done to avert so great a calamity and preserve this interesting race? It is too late to inquire whether it was just in the United States to include them and their territory within the bounds of new states whose limits they could control. That step cannot be retraced. A state cannot be dismembered by Congress or divested of her constitutional power. But the people of those states and of every state, actuated by feelings of justice and a regard for our national honor propound to this Congress the interesting question — Cannot something be done consistently with the rights of the states to preserve this injured people and make be shewn that they have parted with it on terms clearly constitutional. Should the practice of the Govt. heretofore exhibit to the States & to the Indians a different construction of their relations to each other, and of its powers, it is its duty to retrace its steps, taking care that the respective rights of all are preserved. It cannot be less honorable in a community than in an individual to confess an error, and to render satisfaction for an invasion of right.

So long as the Indians led a wandering life, or occupied only a frontier position, this subject of jurisdiction excited but little uneasiness in the South and West; but now they are surrounded by the whites, and it is is forced upon the States by a necessity which cannot be postponed as it involves some of their most important rights. It is now become also one of great interest to our National character — one in which the claims of these unfortunate people come recommended to our sympathies by the most powerful appeals. They were originally the uncontrolled possessors of this immense region of country from which they have gradually retired in conformity to the solicitation of their white brethren, and in ~~compliance~~ obedience to a course of nature which in spreading the arts of civilization takes away the resources of the barbarian, and dooms him to weakness & decay. This result is verified by the history of the Delawares, the Mohegans, the Narragansetts, and that of all the tribes inhabiting the middle states.

1st Annual Message —

Jackson's Draft of Naval
+ P.O. sectns, revised
in final text.

~~R II. 454–61.~~

The Report of the Secretary of the Navy,
and Navy Board of Commissioners, here
~~to app~~ with communicated, will shew
the dilapidated state of our ships of war
in ordinary, and the necessity that
exists for an appropriation for their
repair, & to put them under cover
to preserve them from utter ruin

The Navy is duly viewed by the nation, as
it strong arm of defence, — to preserve
it as such, its organization must be
changed as I view the system entirely
defective — In every part of which, the
want of a proper responsibility for its economy is evident; —
— we have been building more ships of
war than has been needed for the
protection of our commerce &
those not wanted for service afloat,
has been permitted to moulder &
decay in the harbours, without cover,
~~or~~ & proper attention for their preservation
~~d~~ Several of our finest vessels of war, which
have been for years commenced, remain un-
=finished & will take large sums to place

them in the same state as when first ~~[illegible]~~ conveyed into their proper element.

This shews the necessity of a change of a system so destructive to the welfare of this arm of our national defence. I would therefore recommend that we cease for the present building ships of war of the first & second class, and convert our attention & resources, to the procurement of ship timber & other materials, seasoning & preserving them, until the period may arise, that may make it necessary for ~~the~~ our national defence, & protection of our commerce, to increase our Naval force, when, we can by uniting & concentrating our finances, and our force, at two Navy yards judiciously selected we can build ships faster than they can be manned — for the proper points for establishing those two Navy yards & ~~the~~ two warehouses, I would refer you to the judicious report of the Navy Board on this subject, as fully stating my views ~~on these points~~.

The yard at this city, having all ~~[illegible]~~ its

machinery complete for every branch of
mechanical art necessary for ship building
will be competent to furnish the
materials for all the ships that may
become necessary on any emergency
to be added to our Navy, and it would
be useless to encounter the expense
of similar machinery at any other
point, as the transportation is so easy,
or convenient, from the Navy yard at
Washington, to the other points recommended to be
maintained as ~~at~~ Navy yards.

I would recommend that the Navy Board
as at present established undergo an
entire change, and a similar organization
as exists in the War be established in
the Navy Department. This could be
advantageously done by establishing
three Bureaus in the Navy Department,
each Bureau having its specific duties
assigned to it, & the head of each made responsible
for the faithful performance
of the duties assigned to it, and placing one
of the commissioners of the Navy Board
at the head of each, with such subordinate
officers, taken from the Navy list or elsewhere

service as the duties might require. The heads of these Bureaus, when called on by the Secretary of the Navy, as a board, or seperately bound to give their opinions on the subject submitted to them. This would throw the responsibility of each Bureau upon its own head - vested in the board consisting of three, the responsibility is devided, & when devided none feels its proper responsibility.

The Marine corps ought to be amalgamated with the infantry, as at present organised, it is an expensive useless corps, - one Regt. commanded by a Lt Col commandant, & five Lt Cols. by Brevet receiving the pay & emoluments as such, without rendering any valuable ~~[illegible] the~~ services to the country. from the infantry when employed on that subject might be detached as occasion might require such number as might be ~~[illegible]~~ necessary as marines, & that which would conduce to the interest of the service and be a great saving of expense to the Govt. I would also recommend a review of the laws regulating Brevet pay ~~[illegible]~~ [illegible] & [illegible] ~~[illegible]~~ & this subject of [illegible] Regulations ~~[illegible]~~ that the ~~officers~~, ~~[illegible]~~, ~~might~~ including the accounting officers, might clearly understand the pay & ~~[illegible]~~ emoluments that each officer by law was to receive, ~~[illegible]~~, without collecting [illegible] the aid of the opinions of the Atty. Genl for the U.=States.

for his offision; this will protect the feelings of the Militory officer from the imputation of asking more emolument than he is entitled to by law, and enable the accounting officers to settle & close all accounts agreable to law— The enactment aught to be clear, & explicit, precisely stating the sum each officer was to receive, & to be [illegible] the whole of & no more. The case of the Surgeon & paymaster General clearly elucidates ~~to~~ the necessity ~~[illegible]~~ of the amendment of the laws in this particular, as recommended— The law gives to each, an annual salary of $25,00 ~~each~~, The Surgeon General has been allowed, & in the constant receipt of fuel & quarters, the paymaster has recd. it some times, and at others withheld from him. There can be no doubt but if one is entitled to emoluments above his annual salary, the other is also— and if to fuel & quarters, why not to forage & rations— Let the pay be liberal & adequate to the grade, of the officer but specific & certain, and much benefit to the service will follow—

Our Squadrons afloat, for the

suppression of piracy & the protection of our commerce, have been vigilent & attentive, and have in every instance faithfully performed their duty, our commerce have been every where protected and piracy has been put down upon the Gulph of Mexico & the west India seas, and in every other quarter where our squadrons have been ordered to cruising

With the amendment to our Naval system recommended, ~~with~~ and the efficiency & great ~~supr~~ attention of its head, I have ~~no~~ doubt but the morale of our Navy will not only be much improved, but in a short time will be what the nation wish it "the strong arm of our national defence".

The Report of the Postmaster Genl is likewise communicated, which presents in a most lucid & satisfactory manner the high results that have already been produced from an honest, vigorous, efficient and economical administration of that department. Wherever it has appeared that abuses had crept into this department they have been promptly, & with energy ~~been~~ reformed— The report of the Postmaster general is full evidence of the great ability with which it is managed, and the great confidence in the capacity & integrity of its head, ~~that has [illegible] [illegible]~~ the expedition with which ~~[illegible] [illegible]~~ [illegible] information is conveyed throughout every section of our Union. The increased expedition which has been given to it, under the agency of its present head gives evidence of ~~the~~ talents & great attention ~~by [illegible] and giving~~ to the duties assigned him

The Penitentiary - The officers appointed agreable to the act of Congress 3rd of March 1829 - cannot go into operation without further legislation. call for report from directors -

Notes on Navy Dept
Post Office
Penitentiary —

1st Annual Message

Navy Dept: Decr:
with correctns, near final text.

Corrs. in whose hand??
Nicholas P. Trist.

~~R. II. 4.9.60~~

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LIBRARY OF CONGRESS

The accompanying report of the Secretary of ~~the~~ Navy will make you acquainted with the condition and employment during the present year of that branch of our service. (The Navy is) constituting the best standing defence of the country ~~[illegible]~~ against ~~the~~ foreign aggression ~~of foreign power~~ ~~and~~ it merits the especial favorite attention of ~~the~~ Govt. In this spirit the measures which have (been in operation) since the termination of the last war) for its gradual enlargement, were founded; and it should be cherished as ~~the~~ a favorite cherished offspring of our national experience. It will be seen however, that notwithstanding the great solicitude which has been ~~felt~~ manifested for its perfect complete organization, and the liberality of the appropriations ~~to~~ which that solicitude has suggested which have been designed to give it strength, ~~that~~ (in many important respects) (~~these~~ This objects have) not ~~been~~ secured.

In time of ~~war~~ peace we have need of no more ships of war than ~~is~~ are required ~~necessary~~ for the protection of our commerce. Those not wanted for this object must remain in the harbours, where without proper covers they rapidly ~~moulder~~ and decay, and even (in the best state of) under the best precautions for their preservation must soon become unavailable. Such is already the case ~~already~~ with many of our finest ships, which, tho unfinished, will now require immense sums of money to be restored to ~~placed in~~ the ~~same~~ condition in which they were confided to ~~consigned into~~ their proper elements. On this subject there can be but little doubt that ~~is~~ our best policy would be to ~~to~~ discontinue the building of ships of the first and second class; and ~~look~~ [illegible] rather to the ~~ample~~ possession of ample materials prepared ready for the emergencies of war, at [illegible] than ~~to~~ the number of ships which we can float in a season of peace, ~~as the index of our naval power~~. A judicious deposit in Navy Yards of timber and other necessary articles, ~~transported~~ fashioned under the ~~eyes~~ hands of skilful workmen & fitted for prompt application to their various purposes, will would enable us at all times to construct vessels fully as fast as faster than we can man them, and save us the heavy expense of repairs, except ~~on~~ as regards such vessels as ~~ought to~~ must be employed in guarding our commerce ~~and~~ including those which may be added to this class from the necessity of practically testing important ~~furnished to that object as the result of~~ improvements in the models. The proper points for the establishment of these yards are indicated with so much force ~~and justice~~ in the report of the Navy Board, that I deem it unnecessary in recommending it to your attention to express more than my hearty ~~approbation~~ concurrence ~~of it~~ in their views. The yard in this city being already supplied with most of the machinery necessary for ship building will be competent to the supply of the two selected by the board as the best for the concentration of the materials. On account of the facility and certainty of intercourse between them it will therefore be useless to incur the expense of similar machinery (at those ~~towns~~ depositories depots) especially that which is used in the preparation of guns & carriages, and the usual metallic & wooden –

1st Annual Message —

N.P. Trist's hand.

Navy Dep. sectn !

Nearly final text.

~~R. II 460–61.~~

Navy.

The accompanying report of the Secretary of the Navy, will make you acquainted with the condition & useful employment of that branch of our service during ~~this~~ the present year. Constituting as it does, the best standing security of this country against foreign aggression, it claims the especial attention of Government. In this spirit, the measures which, since the termination of the last war, have been in operation for its gradual enlargement, were adopted; and it should continue to be cherished as ~~and~~ the offspring of our national experience. It will be seen, however, that, notwithstanding the great solicitude which has been manifested for the perfect organization of this arm, and the liberality of the appropriations which that solicitude has suggested, this object has, in many important respects, not been secured.

In time of peace, we have need of no more ships of war, than are requisite to the protection of our commerce. Those not wanted for this object, must lay in the harbors, where without proper covering, they rapidly decay, & even under the best precautions for their preservation, must soon become ~~unserviceable~~ useless. Such is already the case, with many of our finest vessels; which, though unfinished, will now require immense sums of money, to be restored to the condition in which they were, when ~~launched~~ ~~[illegible]~~ into their proper element. On this subject, there can be but little doubt, that our best policy would be to discontinue the building of ships of the first & second class, and ~~[illegible]~~ look rather ~~at~~ to the possession of ample materials prepared for the emergencies of war, than ~~at augmenting~~ to the number of vessels which we can float in ~~as the index of our naval power~~ a season of peace. ~~A~~ judicious deposits, in Navy yards, of timber & other materials, fashioned under the hands of skilful workmen, & fitted for prompt application to their various purposes, would enable us at all times to construct vessels ~~fully~~ as fast as they can be manned, and save the heavy expense of repairs, except ~~at regards~~ to such vessels as must be employed in guarding our commerce, ~~and [illegible]~~ ~~including those which may be added to this class from the necessity of practically testing important improvements in the models.~~ The proper points for the establishment of these yards, are indicated with so much force in the report of the Navy Board, that, in recommending it to your

The Library of Congress

~~I would recommend that the marine~~
~~corps be merged in the Artillery or Infantry~~
~~as the best mode of curing the many~~
~~defects in its organization~~

attention, I deem it unnecessary to do more than express my hearty concurrence in their views. The yard in this ~~city~~ District, being already ~~supplied~~ furnished with most of the machinery necessary for ship building, will be competent to the supply of the two selected by the Board, as the best for the concentration of materials, ~~[illegible]~~ and from the facility & certainty of communication between them, it will ~~therefore~~ be useless to incur at those depots, the expense of similar machinery, especially that used in ~~the preparation of gun~~ preparing ~~and~~ the usual metallic & wooden furniture of vessels.

Another improvement ~~in this branch of the service~~, would be effected by dispensing altogether with the Navy Board, as now constituted; and substituting in its stead, ~~[illegible]~~ bureaus similar to those already existing in the War Department. Each member of the Board, ~~at~~ transferred to the head of a separate bureau charged with specific duties, would feel in its highest degree that wholesome responsibility which cannot be divided, without a far more than proportionate diminution of its force. Their valuable services would become still more so, when separately appropriated to distinct portions of the great interests of the Navy: to the prosperity of which, each would be impelled to devote himself, by ~~far~~ the strongest motives ~~that can actuate him under present circumstances. Than arranged in subordination to the Head of the Department,~~ Under ~~this~~ such an arrangement, every branch of this important service, would assume a more simple & precise character; its efficiency would be increased, and ~~scrupulous~~ economy in the ~~disbursement~~ expenditure of public money, promoted.

I would also recommend ~~the merging~~ ~~[illegible]~~ that the Marine corps, be merged in ~~with~~ the Artillery or ~~with the~~ Infantry, as the best mode of curing the many defects in ~~the~~ its ~~present~~ organization ~~[illegible]~~. But little ~~not~~ exceeding in number any of the Regiments of Infantry, that corps has, besides its Lieut. Colonel commandant, five Brevet Lieut. Colonels, who receive the full pay and emoluments of that brevet rank, without rendering proportionate services. Details for marine service, could as well be made from the infantry; there being no training requisite for that duty, to which is not ~~common~~ ~~[illegible]~~ to the army: ~~and brevet officers of the corps in question, [illegible] by the Senate [illegible] in regard to duty & command [illegible]~~

1st Annual Message

Draft (Trist's ~~[illegible]~~ hand)
of parts of message (Navy,
P.O, judiciary, census)
Addns in Donelson's hand.

Final text!

~~R. II [illegible]~~

~~apply to those of corresponding grade in the land service, will be less frequently in the receipt of extra emoluments. from the less frequent occurrence of the circumstances under which they are conferred, be less frequently in the receipt of extra emoluments & a Whatever may be the decision of congress in regard to the amalgamation of the corps, it is much to be desired that such an amendment of the laws be made, as will relieve the public accountants from the necessity of respecting the interpretation put by different administrations upon those regulating the pay & emoluments of officers — as has been the case with brevet claims generally, & those of the paymaster & surgeon general. Much good would attend a careful revision of these laws relating to this subject in regard compensation to the pay & emoluments of officers, and together with a clearer specification of the circumstances which are to constitute a command according to brevet rank. In no case should that the compensation of an officer be left to the determination of the Executive.~~

THE LIBRARY OF CONGRESS

With these ~~amendments~~ improvements, & such others as zealous watchfulness & ~~careful observation~~ mature consideration may suggest, there can be ~~but~~ little doubt that, under an ~~faithful &~~ energetic administration of its affairs, the Navy ~~will~~ soon be made every thing that the Nation wishes it to be. Its efficiency in the suppression of piracy in the West India seas, and wherever its squadrons have been employed in securing the interests of the country, will appear from the report of the Secretary; to which I refer ~~you~~ for other interesting details. Among these, I would bespeak the attention of Congress for the views presented in relation to the inequality between the army & navy as to the pay of officers. No such inequality should ~~exist~~ prevail between these brave defenders of their country; & where ~~it prevails~~ it does exist, it is submitted to Congress whether it ought not to be rectified.

The report of the Post Master Genl is referred to as exhibiting a highly satisfactory administration of that Department. Abuses have been reformed, increased expedition in the transportation of the mail secured, and its revenue much improved. In a Political point of view this Department is chiefly important as affording the means of diffusing knowledge. It is to the body Politic, what the veins and arteries are to the natural, conveying rapidly and regularly to the remotest parts of the system correct information of the operations of the Govt, and bringing back again to it the wishes and feelings of the people. Thro its agency we have secured to ourselves ~~us~~ the full enjoyment of the blessings of a free press —

From the report of the Post Master General
It will be seen that
~~it referred to with pleasure~~, as exhibiting ~~a~~ ~~a highly satisfactory~~ ~~administration~~ of
& that Department
~~that Department~~. Abuses have been reformed; increased expedition in
— in the transportation of the mail, secured; and its revenue, much improved:
The Report of the
Satisfact ~~facilities afforded to travellers, much enlarged~~. In a political
point of view, this dep^t. is chiefly important as the channel thro'
which the country is supplied with those numerous periodical pu-
blications, now the source of so much intelligence & comfort to the
people. As an auxiliary of the press, it partakes of its value, & sh^d.
be guarded with the utmost vigilance. The Press free, and the Post office
faithful; Knowledge will be diffused & the Union ~~preserved~~ promoted.

In this general survey of our affairs, ~~I consider deem it~~ a subject of high importance presents itself in ~~a duty to call your attention to~~ the present organization of the Judiciary. ~~A~~ An uniform ~~adminis~~ operation of the Federal government throught in the ~~several~~ different states ~~of the Union~~, is certainly desirable; and existing as they do in ~~that~~ the Union, on the basis of perfect equality, each state has a right to expect that the benefits conferred on the citizens of others, should be extended to hers. The judicial system of the United States exists in all its efficiency, in only fifteen members of the union. To three others, the circuit courts, which ~~compose~~ constitute an important part of that system, have been imperfectly extended; & to the remaining six, altogether denied. The effect has been, to withhold from the ~~citizens~~ inhabitants of the latter, the ~~benefits~~ advantages afforded (by the Supreme court) to their fellow citizens in other states, in the whole extent of the criminal & much of the civil authority of the Federal Judiciary. That this state of things ought to be ~~corrected~~ remedied, if it can be done consistently with the public welfare, is not, ~~I think~~, to be doubted: neither is it to be disguised that the organization of our judicial system is at once a difficult & delicate ~~subject~~ task. To extend the circuit courts equally throughout the different parts of the union; and, at the same time, to avoid such a multiplication of ~~judges~~ members as would encumber the supreme appellate tribunal, is the object desired. Perhaps it might be accomplished by dividing the ~~members of that court into two exclu=sive of the chief Justice~~ circuit judges, into two classes; and providing that the Supreme court should be held by these classes alternately: the chief Justice always presiding. A

2^d. A proper provision for ~~the periodical enumerations~~ taking the census, of the ~~inhabitants~~ people of the United States, will, ~~always~~ to ensure the completion of ~~that~~ the work within a convenient time, claim the early attention of Congress.

A

1st If an extension of the circuit court system to those states which do not now enjoy its benefits should be determined upon, it would of course be necessary to revise ~~the project~~ the present arrangement of ~~the~~ circuits even if that system ~~should remain unchanged~~ should not be enlarged such a revision is recommended

1st Annual Message

Hand of D, correctns by
Trist

Various concluding sectns

R, II. 460-62, *passim*.

[Navy]

THE LIBRARY OF CONGRESS

Navy Conclusion

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furniture of vessels.

Another improvement in this branch of the service ~~will~~ would be effected by dispensing altogether with the Navy Board as at present organized: and substituting in its place agencies or bureaus similar to those now existing in the War Dept. Each member of the board at the head of a separate bureau, charged with specific duties, would feel that responsibility which belongs to unity of action and which ~~is never~~ cannot be divided without ~~the loss~~ a far more than proportionate loss of its force; in a great degree of its usefulness. This valuable division would become still more so, when ~~devoted~~ separately appropriated to ~~some~~ portion of the great interests of the Navy; ~~with~~ to the prospects of which each would ~~feel higher~~ experience stronger motives to exertion because his share of the honor resulting from it would be more determinable. Thus arranged in subordination to the Head of the Department every branch of that service would assume a more simple specific character be simplified, its practical efficiency be greatly improved, and a economy & scrupulousness in ~~faithful and economical~~ disbursement of the public money ~~secured~~ promoted.

I would also recommend (an amalgamation of the marine corps with the Infantry) as the best mode of curing the many defects in its organization. That corps not exceeding in number any of the Regiments of Infantry, has besides its Col. Commandant, five Brevet Lieut. Colonels, who receive the full pay and emoluments ~~as such~~ of that rank without rendering proportionate

To the prosperity of which, each w.d be impelled to devote himself by far stronger motives than can possibly actuate him under the present organization.

services ~~to the country~~. Details for marine purposes can be made as well from the ranks of the Infantry as from that corps, there being no ~~peculiar~~ training requisite for that ~~service~~ duty which is not common to the army. And the Brevetted officers of that corps when regulated by the same laws in regard to duty and command which ~~belong to others of equal rank~~ apply to those of corresponding grade in the other arm will be less frequently in the receipt of extra emoluments because the ~~services~~ circumstances under which these are conferred ~~which they are intended to compensate~~ will be of less frequent occurrence. Whatever may ~~[illegible]~~ be the decision of Congress in regard to the amalgamation of the corps it is ~~earnestly~~ hoped that such ~~a revision~~ an amendment of the laws governing the pay and emoluments of officers will be adopted, as will relieve the ~~accounting~~ accounting officers from the necessity of taking the interpretation which different administrations may put on their extent, as has been the case with Brevet claims and those of the paymaster and Surgeon General. Much benefit will attend a careful revision of those laws in regard to the pay and emoluments of officers & specifying more clearly the circumstances which are to constitute a command according to Brevet rank, ~~and in~~ ~~all~~ no ~~cases~~ case ~~leaving~~ should the compensation of ~~one~~ an officer ~~to be determined~~ left to the determination by the Executive

With the aid of these amendments there can be but little doubt that the energy and well directed zeal of the Secretary of the Navy will soon make this arm of the service what the nation desires it to be — in war its greatest reliance — in peace the guardian of its commerce and the protector of its intercourse with foreign powers. Its efficacy in the suppression of piracy in the West India seas, and wherever its

Whatever may the decision of congress in regard to the amalgamation of the corps it is much to be desired that such an amendment of the laws ~~will~~ may be made as will relieve the accountants from the necessity of taking the interpretation which different administrations may put on ~~the laws~~ those regulating the pay and emoluments of officers, as has been the case with Brevet claims generally and those of the pay master and Surgeons general

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squadrons have been employed in securing the interests of the Country, will appear from the report of that officer to which I refer you for other interesting details.

The report of the Post master General is referred to with pleasure as exhibiting an account of the administration of that Department highly satisfactory to the public and creditable to his industry and talents. ~~Many~~ abuses in it have been reformed, increased expedition in the transportation of the mail secured, and its revenue much improved, while the circle of its facilities in the accommoda-tion of travellers, and the dissemination of useful information has been much enlarged. This Depart-ment is important chiefly as the channel thro which the country is supplied with those numerous sundry publications which are now the source of so much of the intelligence, comfort, and happiness of the people. As ~~the~~ an auxiliary of the press it is instrumental in the correction of error, and should consequently be guarded watched ~~by the people~~ with the utmost vigilance. While the press is free ~~and~~ ~~virtuous~~; knowlege will be diffused & and the Post office is faithful, the union of these states can never be shaken by foreign or domestic influence.

I would draw the attention of Congreſs to that part of the report of the Secretary of the Navy which relates to the inequality of the pay of the officers of the Navy and the Army. No inequality of ~~pay~~ compensation should exist between these brave defenders of their country, when their grades are equal; & where it does exist, it is submitted to Congress whether it ought not to be equalized.

reserved

In this general survey of the state ~~and condition~~ of the Union, I consider it my duty to call your attention to the present organization of the judiciary ~~Judicial system~~. The uniform administration of public justice in the several states of the Union, is certainly desireable, and existing as they do, in our Federal Union, on the basis of perfect equality, each state has a right to expect that the benefits conferred ~~same privileges enjoyed~~ on by the citizens of other states should be extended to theirs.

The judicial system of the United States ~~consisting as it does of a supreme, circuit~~ circuit & it, ~~and district courts~~, exists in all its efficiency in only fifteen members ~~of the states~~ of the Union. To three others, the circuit courts which compose an important part of that system, have been imperfectly extended, and to the remaining six altogether ~~they have been hitherto~~ denied. The result has been to withhold from the citizens of the latter ~~last mentioned states~~, the benefits ~~of the protection~~ afforded by the supreme court to their fellow citizens of other states in the whole extent of the criminal and much of the civil authority ~~jurisdiction~~ of the Federal Judiciary. That this state of things ought to be corrected when it can be done consistently with the public welfare is not I think to be doubted, and neither is it to be disguised, that the proper organization of our judicial system is at once difficult and delicate. To create a sufficient number of Judges to extend the circuit court system, equally throughout the different parts of the Union, and to avoid at the same time such a multiplication of those officers, as would encumber the supreme appellate tribunal is the object which its is desirable to attain. Perhaps it might be accomplished by dividing the Judges of that court excluding the chief Justice, into two classes, and providing that the supreme court should be held by these classes alternately, the Chief Justice always presiding —

I cannot close this communication without bringing to your view the just claims of the representatives of Commodore Decatur, his officers & crew, arising ~~[illegible]~~ ~~for~~ from the recapture of the ~~[illegible]~~ frigate Philadelphia under the heavy batteries of ~~the Forts~~ of Tripoli. altho' sensible of the impropriety, (as a general rule), under a Government like ours, where every individual enjoys the ~~has a~~ right to petition Congress for a redress of grievances, of Executive interference, yet, viewing this case as one of very peculiar character, I deem it my duty to recommend it to your favorable consideration. Besides its justice as corresponding with those claims, which have been since uniformly acknowledged, ~~remunerated by the Government~~, it is the fruit of a patriotic ~~valorous~~ and chivalric daring which gave life reputation and energy to our ~~Navy~~ infant Navy and contributed as much as any more than other exploit ~~event~~ in its history to signalize our National character. Public gratitude therefore places puts its seal upon it, and the policy of the Government should not withold a meed which may ~~will~~ hereafter serve as a stimulus to our gallant tars.

The paſsage of a law for the periodical enumeration or census of the inhabitants of the United States will claim the early attention of congreſs to ensure its completion within a convenient time during the approaching year —

The great increase of business in the department of State forced itself at an early period on the attention of the Executive. Thirteen years ago it was made the subject of an earnest recommendation (in Mr. Madison's last Message) which has been repeated by both his successors in office. It arises from many causes not the least of which, of late years, is to be found in the additions ~~which~~ that have been made to the family of independent nations and the proportionate extension of our foreign relations. The remedy proposed was the establishment of a Home Department: a measure which does not appear to have met the views of Congress. Believing that the leading objection to it arose from the apprehension that it would gradually and imperceptibly increase the bias of the Federal system toward the exercise of authority not delegated to it, I am not disposed to revive its recommendation. But I am not the less impressed with the necessity of enabling the Head of that Department to devote more of his time to our Foreign relations, by devolving upon some other officer the responsibility of many of its minor local concerns. On its present footing that Department does not possess the advantages derived by the others from subordinary bureaus, as a remedy for which, altho averse to the creation of offices not imperiously called for by the public good, I recommend to your respectful consideration the propriety of authorising the appointment of an assistant, or under Secretary of State.

1st Annual Message

N.P. Trist's copy of
- a) Dept. of State sect.
- b) Decatur claim sect.
  - a) somewhat rewritten in final text.

J.A. Hamilton's draft(s) of U.S. Bank sect. — nearly final text.

~~B. II. 161-2~~

Library of Congress

The great encrease of business in the Dept. of ~~State~~ forced itself, at an early period, on the attention of the Executive. Thirteen years ago, in Mr Madison's last message, it was made the subject of an earnest recommendation, which has been repeated by both his successors in office. It arises from many causes; not the least of which, of late years, is the additions that have been made to the family of independent nations, & the proportionate extension of our foreign relations. The remedy proposed, was the establishment of a Home Department: a measure which does not appear to have met the views of Congress. Believing that the ~~chief~~ objection to it arose chiefly from the apprehension that it would favor the ~~kind~~ already too strong bias of the Federal system towards the exercise of authority not delegated to it, I am not disposed to revive the recommendation. But I am not the less impressed with the necessity of enabling the Head of that Department to devote more of his time to our foreign relations, by devolving upon some other officer, the responsibility of many of its local concerns. On its present footing, that Department does not possess the advantages derived by the others from subsidiary bureaus. Although decidedly averse to the creation of any office not imperiously called for by the public good, I suggest ~~recommend~~ ~~therefore to~~ for your consideration, the propriety of authorizing the appointment of an ~~assistant~~ under Secretary of State.

Bank

I cannot close this communication without bringing to your view the just claim~~s~~ of the representatives of Commodore Decatur, his officers & crew, arising from the recapture of the frigate Philadelphia under the heavy batteries of Tripoli. Although sensible, as a general rule, of the impropriety of Executive interference under a government like ours, where every ~~citizen~~ individual enjoys the right of directly petitioning Congress; yet, viewing this case as one of a very peculiar character, I deem it my duty to recommend it to your favorable consideration. ~~Besides its justice, as~~ ~~strong analogy to~~ ~~correspond-ing to those claims which have been since uniformly recognized, it is the fruit of a patriotic & chivalrous daring deed of daring~~

Besides the justice of this~~s~~ claim~~s~~, ~~its strong analogy~~ as corresponding to those which have been since uniformly recognized & satisfied, ~~they~~ ~~[illegible]~~ It is the fruit of a deed of patriotic & chivalrous ~~[illegible]~~ daring which ~~gave~~ infused life & confidence into our infant Navy; and contributed as much as any exploit in its history, to elevate our national character. Public gratitude therefore stamped her seal upon it; and the meed should not be withheld, which may hereafter ~~[illegible]~~ operate as a stimulus to our gallant tars.

as the charter of the Bank of the U.S.
expires in 1836 and its stockholders will
most probably apply for a renewal
of their privileges in order to avoid
the evils resulting from precipitancy
in a measure involving such important
principles and such deep pecuniary
interests I feel that I cannot ~~too~~
in justice to the parties interested too
soon present it to the deliberate consideration
of the Legislature and the people
Both the constitutionality & the expediency
of the Law creating this Bank
are well questioned by a large portion
of our fellow Citizens and it ~~must~~
must be admitted by all that it
has failed in the great ~~and of~~ end of
establishing a uniform and sound currency

Under these circumstances if
such an institution is deemed essential to
the fiscal operations of the Government I
submit to the wisdom of the Legislature
whether a national one founded upon
the Credit of the Government and its revenues
might not be devised which would
avoid all constitutional difficulties and at
the same time secure all the advantages to the Govt
and the Country that were expected to result from the
present Bank.

1st Annual Message

D's hand – whose correctn? VB's?
State Dept. Secy

Nearly final text

~~B. II. 461-2~~

Smaller paper –
a somewhat earlier
text of part of same.

The great and constant increase of business in the Department of State forced itself at an early period upon the attention of the Executive. Thirteen years ago, it was, in Mr Madison's last message to Congress, made the subject of an earnest recommendation ~~in Mr Madison's last message to Congress~~, which was repeated by both of his successors; and my comparatively limited experience has satisfied me of its pertinence. It has arisen from many causes not the least of which is the large addition that has been made to the family of independent nations, and the proportionate extension of our foreign relations. The remedy proposed was the establishment of a Home Dept, a measure which does not appear to have met the views of Congress, on account of its supposed tendency to increase gradually and imperceptibly the already too strong bias of the Federal system towards the exercise of authority not delegated to it. I am not therefore disposed to revive that recommendation, but am not the less impressed with the importance of ~~having some~~ so organizing that Department, that its Secretary may devote more of his time to our Foreign relations. Clearly satisfied that the public good would be promoted by ~~such an improvement~~ some suitable provision on this subject, I respectfully invite your attention to it.

The great increase of business in the Department of State forced itself, at an early period, on the attention of the Executive. Thirteen years ago, in Mr Madisons last message, it was made the subject of an earnest recommendation which has been repeated by both his successors in office. It arises from many causes, not the least of which, of late years, is the addition that has been made to the family of independent nations, and the proportionate extension of our foreign relations. The remedy proposed, was the establishment of a Home Department - a measure which does not appear to have met the views of Congress. Believing that

Tariff ①

1st Annual Message — (?)

6B

Prob. unused draft of a tariff sectn for 1st An. Mess. There are a few verbal echoes in the final text.

~~Cf. R. II. 449-50~~

2 sheets

4

Among the subjects which have heretofore occupied the attention of Congress there is none of more importance or more deserving of its most anxious care than that which concerns the regulation of our tariff with a view to the encouragement of domestic manufactures. It comports alike with my personal feeling as with my views of public duty to observe the utmost frankness in all my communications with the co-ordinate Departments of the Government upon public

affairs, and least of all could I stoop
the observance of the least reserve
in regard to this correspondence the most
delicate of our official public duties.

The policy of ~~extending~~ affording a liberal
encouragement to the home manufacture
of such articles as are necessary to
make us independent of foreign nations
in time of war & its judicious extension
to productions of a different character
so far forth as that can be done
without imposing unreasonable and
consequently oppressive burthens upon those
who benefit no other than a general
interest in the subject has been the
fixed opinion of my life
in its indulgence as

well as in acting upon it I have never been
insensible to considerations of deep interest
and great embarrassments that belong to it. They
consist in the important bearing which every
material alteration of the existing tariff
must unavoidably have upon many of
the most important interest of our fellow
Citizens and in the unpleasant and
embarrassing circumstance that in the
present condition of the manufacturing
interest of the Country the advantages
derived from ~~the~~ Legislative encouragement
are in a great degree local and the
burthens thereby imposed consequently
unequal. To the obligations resulting from
this consideration to avoid frequent
or ill advised changes no good

citizen can be insensible. This is matter
of the gravest import & most intense interest
and cannot be too earnestly impressed upon
our minds ~~Deep~~ with as upon those of our
constituents. The most deleterious conseq-
uences must unavoidably result from ~~[illegible]~~
the subjection of the legislation of the
country in this respect either to the ever
varying ~~caprices~~ speculators of political
economists or the sinister requirements
of insatiate avarice. Equally destructive
to the best interests of the ~~country~~ ~~is it~~ must
it be to mingle this subject with the
politics & party contests of the day.
There is but too much reason to fear
that our public councils have
heretofore been too much more

2 the influence of such feeling for their
useful action & it surely is the common duty of
any honest man who prefers the interest
of the Country to his own to discountenance
all attempts to distract the public mind and
to frustrate all designs which look to
the acquisition of political power,
by raising + fomenting pretension upon
the Subject which a just regard to the
rights of all forbid & which the sober
sense of the community will never
sanction. He is unworthy of a public
trust who can be induced by any consid-
eration to minister to unjust pretensions
whether the
~~devised [illegible] by~~ personal
results of ambitious - design or of

overbearing ambition rather than oppose
himself to the current of public feeling
however high it may for a season the
~~waves~~ have been raised. There is an
abiding good sense and active patriotism
~~which~~ abounding among the people of these
States upon which those who in the discharge
of their public trusts pursue only
justifiable objects by pure motives
may with confidence repose them-
selves.

Tariff ②

1st Annual Message

Draft of J. A. Hamilton.

Tariff Sectn – Basis of final Text.

Uses the D-K. versn (2)

~~R. II. 449 ff.~~

one sheet

87

THE LIBRARY OF CONGRESS

Tariff
No 1.

No very considerable change has occurred, ~~since March~~ during the recess of Congress in the condition either of our agriculture, ~~our~~ commerce, or our manufactures. The operation of the tariff has not yet proved so injurious to the two former or as beneficial to the latter as was anticipated [Induced by its probable effect upon prices an unusually large quantity of Middling and low priced goods were thrown into the market from abroad and by our own Capitalists; who ~~were~~ ~~were~~ ~~induced~~ influenced by the same anticipations ~~to~~ extended ~~the~~ ~~pro~~ productiveness of their works to an unreasonable point]. The consequence has been an unstocked Market, low prices, temporary embarrassment, and partial loss. ~~these effects of excessive tendency do not ought not to weaken the belief~~ That such of ~~an~~ ~~Manufacturing~~ an manufacturing establishments as are based upon capital ~~and~~ adapted to the productive capacity of the country ~~and~~ ~~demanded by its~~ discreetly managed, ~~[illegible]~~ will ~~not~~ ~~too~~ survive ~~more~~ by the shock & be ~~an~~ ~~be~~ ultimately ~~been~~ profitable there is no good reason to doubt. To regulate ~~justly~~ these three cardinal interests so as equally to promote the prosperity of all is one of the most difficult operations of Government, and ~~until by the common consent of the world all restrictions all shall be~~ abolished and commerce ~~be~~ permitted to flow in those channels to which individual enterprise ~~is~~ always its surest guide

© a new sentence

Tariff ③

1st Annual Message

Hand of A. J. D.
Tariff sectn - much altered in final text

R. II 449-50

Volume, 88

I take this to be copied in part from the preceding Hamilton draft, but not all the alteratns introduced here by D. were retained. The Hamilton is nearer the final t.

No very considerable change has occurred during the recess of Congress in the condition either of our agriculture our commerce, or ~~our~~ manufactures. The operation of the Tariff has not proved so injurious to the two former or as beneficial to the latter as was anticipated. Importations of foreign goods under the operation of the Tariff have not been so sensibly diminished as was expected: while domestic competition under an illusive excitement has more than kept pace with the demands for home consumption. The natural consequences have followed — an overstocked market, depression of price, extensive pecuniary embarrassment, and partial bankruptcy. That such establishments however, as are ~~&~~ based on a solid capital, prudently managed, and fitted to the productive capacity of the country will survive the shock, and become profitable to their owners, there is no reason to doubt.

To regulate these three cardinal interests so as to promote equally the prosperity of all is one of the most difficult operations of Government, and it may be regretted that the complicated restrictions which now embarrass the intercourse of nations could not by common consent be abolished, and commerce permitted to flow in those channels to which individual enterprise, always its surest guide, might direct it. But unhappily we are obliged to anticipate wars, and we must always expect selfish legislation in other nations. Hence arises the necessity of conforming our legislation to the counteracting regulations of other countries, and with it the difficulties of harmonizing all the great interests of our own by a just and fair protection.

In relation to the means of defence a ~~prudent~~ wise nation will not stop short of providing them if possible within her own borders. In relation to duties or imposts intended to counteract the legislation of foreign countries, or promote any species of home manufacture, care should be taken that they do not on the whole produce more injury to one interest than ~~they~~ does good to another. To ~~The~~ accomplish these objects the general principle ~~leading interest in this country is undoubtedly~~ in the graduation of the duties upon articles of foreign ~~agriculture; it is the basis of every other to which~~ growth or manufacture must be that which will ~~commerce and manufactures are but auxiliary.~~ give our own labour as nearly as practicable to an ~~To place the auxiliary before the leading interest~~ equality with that which is in competition with it. ~~would be as destructive of the public prosperity~~ ~~as it would be unnatural~~; and the inducement to carry it even beyond this point is ~~indispensable~~ controlling where the subject is one of national demand as a material of war, or one of those articles of primary necessity without the cultivation of which in peace a war might deprive us. In the exercise of the powers entrusted to us, ~~the duties~~ this principle should regulate the duties upon other articles so as to bear equally upon all the productive interest of the country; and ~~when the [illegible] it becomes so delicate~~ ~~and difficult that it must~~ an operation so delicate and difficult that it is obviously important that it should.

Tariff ④

1st Annual Message

D.

recto: Final tariff ¶, with some alterat^{ns} in final & last sentence omitted (a similar sentence appears at the end of the 3rd preceding ¶ R. II. 450

verso: Other tariff material, not used.

1 sheet
59

Tariff

THE LIBRARY OF CONGRESS

-- Looking forward to the period when the sinking will be no longer required to meet our public debt, the duties on those articles of importation which, from natural or other causes, can never come in competition with our own labour, are the first which should engage the attention of congress in the modification of the Tariff. Of these, Coffee and Tea are the most prominent. They enter largely into the consumption of the country and are sought as necessaries by all classes of society. A reduction of the duty upon them will therefore be felt by all as a public benefit; but like every other operation in which trade is concerned to ensure its efficacy & justice, it must be gradual and certain. The agency of the Government suddenly exerted either in reducing or ~~[illegible]~~ increasing the value of any commodity cannot fail to injure deeply those who are engaged in its trade, and the cheaper & more general the circulation and consumption, the greater is the evil.

the same principle is equally decisive of those ~~appropriations~~ which have been, or may be hereafter applied to the interior preparation for war. But beyond this class of public works which are admitted by all parties to be fairly under the control of the General Govt, are others of great importance to the welfare and prosperity of the people, which being divested however of an obvious and necessary connection with the defensive purposes of the Union, are deemed by many of our Politicians & statesmen, as not within the competency of Congress to execute. In respect to which too, another numerous portion of our fellow citizens admitting the constitutional power, object, on grounds of expediency to its exercise as having a tendency to embitter the Legislation of Congs, and not being as likely to secure a faithful application of the public monies as if they were left exclusively to the disbursement of the states.

Tariff ⑤

1st Annual Message

VB -

Passage of Tariff secn.
practically final wording -

~~R. II. 450~~

Such changes as were made
can be seen in Trist's hand on
the following D. MS.

1 sheet
90

Every attempt to connect them with the party conflicts of the day are of necessity injurious & should be discountenanced. Our action upon them should be under the control of higher & purer motives. Legislation subjected to such influences can never be just & will not long receive the sanction of a people whose active patriotism is not bounded by sectional limits-

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Tariff ⑥

1st Annual Message

D. - correctns by N P Trist

Tarif sectn

Practically final text -

~~R. II. 149-50~~

1 sheet

92

No very considerable change has occurred during the recess of Congress in the condition of either our agriculture, commerce, or manufactures. The operation of the Tariff has not proved so injurious to ~~two~~ the two former, or as beneficial to the latter as was anticipated. Importations of foreign goods have not been sensibly diminished, while domestic competition under an illusive ~~expectation~~ excitement has increased the production much beyond the demand for home consumption. The consequences have been low prices, temporary embarrassment and partial loss. That such of our manufacturing establishments as are based upon capital and are prudently managed will survive the shock and be ultimately profitable there is no good reason to doubt.

To regulate its conduct ~~these three cardinal interests~~ so as to promote equally the prosperity of ~~all~~ these three cardinal interests, is one of the most difficult tasks ~~functions~~ of Government, and it may be regretted that the complicated restrictions which now embarrass the intercourse of nations could not by common consent be abolished, and com-merce allowed ~~permitted~~ to flow in those channels to which individual enterprise—always its surest guide, might ~~may~~ direct it. But we must ever expect selfish legislation in other nations and are therefore compelled to adapt ~~conform~~ our own to their ~~countervailing~~ regulations in the manner best calculated to avoid serious injury and to harmonize the conflicting interests of our agriculture commerce and ~~our~~ manufactures. Under these impressions I invite your attention to the existing Tariff believing that some of its provisions require modification.

The general rule to be applied in graduating the duties upon articles of foreign growth or manufacture is that which will place our own in fair competition with those of other countries; and the inducements to advance even a step beyond this point, are controlling in regard to those articles which are of primary necessity ~~importance~~ in time of war. When we reflect upon the difficulty and delicacy of this operation it is important that it should never be attempted but with the utmost caution. Frequent legislation in ~~any~~ regard to any branch of industry affecting its value and by which its capital may be transferred to new channels, must always be productive of hazardous speculation and loss

In deliberating therefore on these interesting subjects local feelings and prejudices should be merged in the patriotic determination to promote the great interests of the whole. ~~every~~ all attempts to connect them with the party conflicts of the day are necessarily injurious, and should be discountenanced. Our action upon them should be under the control of higher and purer motives. Legislation subjected to such influences can never be just, and will not long ~~secure~~ retain the sanction of a people whose active patriotism is not bounded by sectional limits, nor insensible to that spirit of concession and forbearance which gave life to our political compact and still sustains it. Discarding all calculations of political ascendency, the north, the South, the East & the West should unite in diminishing any burthen of which either may justly complain.

The agricultural interest of our country is so essentially connected with every other and so superior in importance to them all, that it is scarcely necessary to ~~recom~~ ~~invite~~ invite to it your particular attention. It is principally as manufactures and commerce tend to add to the value of agricultural productions and to extend the enterprise, and increase the means of employment of that useful intelligent virtuous portion of our fellow citizens, that they deserve the fostering care of Government.

Looking forward to the period not far distant when ~~the~~ a sinking fund will ~~not be required~~ no longer be required, the duties on those articles of importation which cannot come in competition with our own productions are the first that ~~should~~ engage the attention of Congress in the modification of the Tariff. Of these Teas and coffee are the most prominent. They enter largely into the consumption of the country and have become articles of necessity to all classes: a reduction therefore of the existing duties will be felt by all as a common benefit; but like all other legislation connected with commerce to be efficacious & not injurious it should be gradual and certain.

1st Annual Message

D

left-hand pages – earlier form of Tariff etc sectn.

right-hand page – unrevised state of later form.

~~cf. P.D. II. 451~~

The state of our finances exhibits an increase in the resources of the country truly flattering to its enterprise, and auspicious of its ability in a few more years to redeem entirely the public debt. When this is done our rapidly increasing population will find a new spur to industry in the repeal of many of the taxes which are now laid on their ~~labour~~ consumption. More extended systems to secure the safety of the union, to promote education, and to multiply the facilities of intercourse, may be expected to engage their attention; and in aid of these objects the General Government so far as the rights and sovereignty of the states and the constitution do not interdict its action will be called upon to take part. How far it can do so is a question of much importance, and is becoming more pressing in proportion as the gradual completion of the works now in progress and the diminution of the public debt gives it accumulating ability.

After the liquidation of the public debt it is not probable that any adjustment of the Tariff upon principles satisfactory to the people of the Union will ever leave us without a surplus fund in the Treasury. Had we no other reason for imposts than that which is found in the necessity to provide for the annual expenditures ~~support~~ of Government, those who reflect upon the laws of ~~trade~~ commerce will readily perceive the impracticability of adopting any standard which would certainly meet them without exceeding it. It would be as idle to make a calculation of this kind in regard to revenue from imposts, as it would be to anticipate from the periodical rise of one of our inland watercourses a supply of water barely sufficient for its navigation. General causes must have their general effects, and we cannot adopt a standard for one without the control of the other. As the period then advances when the agency of the public debt in absorbing the surplus fund resulting from

19 Copy this

The public prosperity is evinced in the continued improvement of the revenues as well those at arising from sales of land as from duties on imports. The balance in the Treasury on the first of January 1829 was
the receipts from all other sources for the current year are estimated at
and the total expenditure for the same period is estimated at
leaving a balance in the Treasury on the first of January 1830 of
There will have been paid during the present year 12
on account of public debt
of which 8 was on account of principal
leaving the total debt of the U States after the 1st January next $48 522 567.73 including $7.000,000 of 5 per cent stock subscribed to the Bank of the United States. It is due to the President and Directors of the Bank of the U States to remark that the Treasury derived much useful aid from that institution in making a heavy payment on account of public debt ~~of which~~ on the 1st of July last whereby notwithstanding a severe pressure in the money market, no injury was sustained or sensible inconvenience felt by any interest of the country.

The state of the finances exhibits the resources of the nation in an aspect highly flattering to its enterprise, and auspicious of the ability of the Government in a ~~few~~ ~~more years~~ very short time to extinguish the public debt. When this shall be done, our population will be relieved from a considerable portion of the burden now imposed; and will find not only new motives for patriotic affection, but an additional stimulus to industry and enterprise. The fiscal power of the states will also be increased and may be more favorably exerted in plans of improvement, in the promotion of education, in the arts and in general economy: while ample means will be left for the National Government to contribute to the

the tariff will be discontinued, the disposition of this fund, tho' it may be greatly diminished, will form a subject for the serious deliberation of Congress; and it may be fortunate for the country that its decision is yet to be made. Considered in connection with the difficulties which have heretofore attended the appropriations for internal improvement, and with those which will certainly arise whenever the constitutional power to execute works of a national character may be resorted to, it is hoped it will lead to the adoption of some plan which may have the happy effect of harmonizing the various opinions now entertained of this power. Some deem it among the reserved rights of the States — others deprecate its exercise on the score of expediency — all feel that it is calculated to embitter legislation, and to array one section of the Union against another. Cannot some plan be devised in which this division of opinion will be healed?

To promote this object —

For this purpose it has appeared to me that an apportionment of the surplus fund of the treasury among the states according to the representative ratio will be the most useful, fair and federal disposition of it: and if the constitution should not be found to warrant it that it would be wise to ask of the people, the fountain of all our power, the necessary amendment. Every member of the Union, in peace and in war, will be benefitted by the improvement of our inland navigation, and the construction of high ways in the several states. And the representative principle upon the virtue of which our Federal and State Governments are founded can reach its maximum value, only by a wide and efficacious diffusion of instruction - knowledge and power being in this respect consistent qualities.

1st Annual Message

A.J.D.'s draft of ¶ introducing the Treasury sectn, slightly modified in final text.

~~R. II. 450–51~~

The public prosperity is evinced by
by the increased revenue arising from
the sale of public land, and the steady
maintenance of that accruing from
imposts, notwithstanding the repeal of
the duty on recapitulation, and the
unusual importations of the year
1828.

1st Annual Message -

Hand of S. D. Ingham?

Beginning of Treasury sectn.

Basis of Final Text

~~R. II. 457~~

The Library of Congress

The public prosperity is evinced in the continued improvement of the Revenue, as well those arising from sales of land as from duties on imports

The balance in the Treasury on the first of January 1829 was
The receipts from all sources for the ~~first quarter of the~~ current year are estimated at The total expenditure for the same period is estimated at
leaving a balance in the Treasury on the first Jany 1830 of
There will have been paid during the present year 12. on account of public debt ~~of interest and the~~ ~~in amount~~ of which 8 was on account of Principal, leaving the total Debt of the U.S. after the 1 Jany next $48.522.869.93 including $7.000.000 of 5 per cent stock subscribed to the Bank of U.S. —

It is due to the President and Directors of the Bank of U.S. to remark that the Treasury derived much useful aid from that institution in making ~~the~~ heavy payt on acc of public debt on the 1 July last whereby notwithstanding an severe pressure on the money market, no injury was sustained or sensible inconvenience felt by any interest of the country —

felt by any interest of the country connected with banks

revenue & distribution
surplus — constitutional power

The state of the finances exhibits the resources of the Nation in an aspect highly flattering to its enterprise and auspicious of the ability of the Govt. in a very short time to extinguish the ~~whole~~ public debt, — When this shall be done, our population will be relieved from a considerable portion of the burden now imposed: and will find not only new motives for patriotic affection. but an additional stimulus to industry and enterprise

The fiscal Power of the States will also be increased for the prosecution of their plans of improvement in education, the arts and general economy; while ample means will be left for the National Govt. for promoting the permanent security of the Republic in all the various ways permitted to its authority.

1st Annual Message (?)

Hand of S. D. Ingham [illegible]
Tariff + Surplus
Not used – these
matters are enormously
expanded in final.

cf. R. II 451, 452.

Some difficulty may however be encountered in reconciling the diversified interests of the Union to such a reduction of the taxes as will not leave a considerable surplus of revenue beyond what may be required for the current ~~expenditures~~ service of the General Govt. — The disposition of such revenue may involve questions of constitutional power and of great local interest, — It is hoped that the near and certain approach of the period when these questions must be settled will lead to the adoption of some plan that may harmonise conflicting opinions and successfully unite the people and the States in a common feeling of interest and affection -

The distribution of the surplus revenue of the Govt. among the States in the ratio of their Representation in the House of Representatives subject to the joint control of the General & respective State Govts, appear to be the most equitable & safe disposition of such a fund — and if the exercise of such a power be thought, unwarranted or dangerous as a prelude to the introduction of constructive powers; may it not be expedient to submit to the States in the form of a constitutional amendment a proposition declaring the proper interpretation of the Constitution in this respect -

As a considerable portion of the public monies deposited
in the Banks is employed in the usual operations
those institutions
of ~~Banking~~, it was apprehended that ~~they~~ suddenly withdrawing
~~[illegible]~~
so large a sum from those channels, might ~~[illegible]~~
affect injuriously the pecuniary interests of indi=
By a judicious forecast on the part of the Treasury
viduals; x ~~the judicious~~ aided by successful arrangement of the President
and Directors of the bank of the U.S. ~~in aid~~
~~of the Treasury successfully prevented the slightest shock~~
~~upon those interests~~

1st Annual Message

Hand of N.P. Trist

Surplus sectn

Correctns in various hands.

Text nearly final.

~~R. II. 451-2.~~

1st Annual Message

final text (?)

end of Treasury Sectn

~~R. II. 452-54~~

The public prosperity is evinced in the continued improvement of the revenue~~s~~, as well that derived from sales of land, as that arising from ~~duties~~ on imports. The balance in the Treasury on the first of January 1829, was

The receipts for the current year, are estimated at $24.467.230.98; and the total expenditure for the same period, at ; leaving a balance in the Treasury, on the 1st of January 1830, of

The Library of Congress

During the same period, there will have been paid, ~~during the present year~~ ~~same period~~ on account of the public debt, 12 ; eight of which, ~~was~~ on account of principal: leaving the total debt of the U.S. after the 1st of January next, $48 5~~[illegible]~~49. 93, including the $7.000,000 of 5 per cent stock, subscribed to the Bank of the U.S. It is due to the President & directors of that ~~Bank~~ Institution, to remark that the Treasury derived from it ~~most~~ useful aid ~~facilities~~ in making a heavy payment on account of the public debt, ~~in the month of~~ July last; whereby, notwithstanding a severe pressure in the money market, no injury was sustained, or sensible inconvenience felt, by any interest of the country.

The state of the finances exhibits the resources of the nation in an aspect highly flattering to its industry, and auspicious of the ability of the government, in a very short time, to extinguish the public debt. When this shall be done, our population will be relieved from a considerable portion of ~~the~~ its present bur~~dens~~thens ~~which it now supports~~; and will find, not only new motives to patriotic affection, but additional means for the display of individual enterprize. The fiscal power of the States will also be encreased, and may be more extensively exerted in ~~plans of~~ internal ~~improvement, & in the promotion of education~~ favor of education ~~& general improvement~~ & other public objects: while ample means will ~~be~~ safely remain in the Federal

& application of the surplus revenue to the
payment of debt

Government to promote the general weal, in all the modes permitted to its authority.

After the ~~liquidation~~ extinction ~~part~~ of the public debt, it is not probable that any adjustment of the ~~Tariff~~ ~~[illegible]~~ duties upon principles satisfactory to the People of the Union, will ~~ever~~ ~~until a remote period if ever~~ leave ~~the~~ Govt. without a considerable surplus in the Treasury beyond what may be required for ~~the~~ its current service ~~of the Government~~. As the period ~~then~~ approaches, when the ~~agency of the debt in absorbing this surplus~~ application of the revenue to the payment of ~~the~~ debt will cease, the disposition of this ~~[illegible]~~ surplus will present~~s~~ a subject for the serious deliberation of Congress; ~~and it may be fortunate for the country that it is yet to be decided.~~ Considered ~~with reference to~~ in connexion with the difficulties which have heretofore attended appropriations for purposes of internal improvement, and with those which this experience tells us will certainly arise, whenever power over such subjects may be exercised by the General Government, it is hoped that it may lead to the adoption of some plan which will reconcile the diversified interests of the States, and strengthen the bonds which unite them. Every member of the Union, in peace as in war, will be benefited by the improvement of inland navigation & the construction of high ways in the several States. Let us then endeavor to attain this benefit, ~~by means~~ in a mode which will be satisfactory to all. That hitherto ~~employed have~~ adopted has, by many of our fellow citizens, been ~~considered~~ viewed as ~~not sanctioned by~~ an infraction of the constitution: while, by others, it has been deprecated ~~on the ground of expediency~~ as inexpedient. All feel that it has been employed at the expense of harmony in the Legislative councils.

~~To avoid these evils, it appears to me that it would be wise to apportion the surplus revenue among the several States, according to their ratio in the House of Representatives~~ To avoid these evils, it appears to me, that the most safe, just & federal disposition which could be made of the surplus revenue, would be its apportionment among the several states, according to their ratio ~~in the House of Representatives~~ of Representation; ~~Should that~~ and should this measure not be found warranted by the constitution;, that it would be expedient to ~~submit~~ propose to the States, an amendment authorizing it. — (same paragraph) — I regard

The prosperous state of the finances evinces the continued improvement of our country. Notwithstanding the immense importation of the last year, the revenue from customs for the present year nearly equals that ~~arising from~~ of the preceding, notwithstanding the immense importations ~~brought into~~ use during the latter; and that arising from sales of land has been ~~increased~~ - - -

Notwithstanding ~~Altho~~ the immense importations of the last year the public prosperity is evinced by the small effect which they have produced upon the revenue of the present year.

The revenue arising this year from imports altho not quite so great as that of the preceding

3.111

—— I regard an appeal to the source of power, in cases of real doubt, & where its exercise is deemed indispensable to the general welfare, as among the most sacred of all our obligations. Upon this country, more than any other, has, in the providence of God, been cast the special guardianship of the great principle of adherence to written constitutions of laws. If it fail here, all hope in regard to it, will be extinguished. That this was intended to be a government of limited & specific, and not general, powers, must be admitted by all; and it is our duty to preserve for it the character intended by its framers. If experience points out the necessity for an enlargement of these powers, let us apply for it, to those for whose benefit it is to be exercised; and not undermine the whole system, by a resort to overstrained ~~& unwarranted~~ constructions. The scheme has worked well. It has exceeded the hopes of those who devised it, and become an object of admiration to the world. We are responsible to our country & to the glorious cause of self government for the preservation of so great a good. The great mass of ~~the~~ legislation, ~~& particularly that which~~ relating to our internal affairs, was intended to be left where the Federal ~~constitution~~ convention found it — in the State governments. Nothing is clearer ~~to~~ my ~~mind~~ views, than that we are chiefly indebted for the success of the ~~Federal~~ constitution under which we are now acting, to the watchful, and auxiliary ~~& sustaining~~ operations of the State authorities. This is not the reflection of a day, but belongs to the ~~[illegible]~~ most deeply rooted ~~opinions~~ convictions of my mind. I cannot, therefore, too strongly or too earnestly for my own sense of its importance, warn you against all encroachments upon the legitimate sphere of state sovereignty. Sustained by its healthful & invigorating influence, the Federal system can never fall.

In the collection of the revenue, the long credits ~~now~~ authorized on goods imported from beyond the cape of Good hope, are the chief cause of the losses at present sustained. If these were shortened to six, nine, & twelve months, and ware-houses provided by government sufficient to receive the goods offered in deposit for ~~the~~ their security, and for debenture, this evil would, in a great measure, be obviated. An authority to the Secretary of the Treasury to construct such houses, is, therefore, with the proposed alteration of the credits, recommended to your attention.

On an examination of the records of the Treasury, I have been forcibly struck ~~with~~ by ~~observing~~ ~~with~~ the large amount of public money which appears to be outstanding. Of the sum thus due from individuals to the government, a considerable portion is undoubtedly desperate; and, in many instances, has probably been rendered so by remissness in the agents charged with its collection. ~~a great part, however, may~~ By proper exertions, a great part, however, may yet be recovered; and, whatever may be the portions respectively belonging to these two classes, it behoves the government to ascertain the real state of the fact. This can be done only by the prompt adoption of judicious measures for the collection of such as may be made available. It is believed that a very large amount has been lost ~~by~~ through the inadequacy of the means provided for the collection of debts due to the public; and that this inadequacy ~~consists~~ lies chiefly in the want of legal skill, habitually & constantly employed, in the direction of the agents engaged in the service. It must, I think, be admitted that the supervisory power over ~~the~~ suits brought by the public, which is now vested in an accounting officer of the Treasury, not selected with a view to his legal knowledge, and encumbered as he is, with numerous other duties, operates unfavorably ~~is not favorable~~ to the public interest.

It is important that this branch of the public service should be subjected to the supervision of such professional skill ~~such~~ as will give it efficiency ~~to its operations~~. The expense attendant upon such a modification of the Executive Department ~~was~~ ~~[illegible]~~ would ~~would~~ be justified by the soundest principles of ~~enlightened~~ economy. ~~When through its operation, it shall have been ascertained what portion of the debts due to the government are irrecoverable, it will be worthy of the consideration of Congress, whether~~

Hope, are the chief cause of the losses at present sustained. If these were shortened to six, nine, & twelve months, and warehouses provided by government sufficient to receive the goods offered in deposit for ~~the~~ the security, and for debenture, ⊙ this evil would, in a

⊙ and of the ~~lien~~ right of the United States to a priority of payment out of the estates of its insolvent debtors were ~~properly~~ more effectually secured.

In an examination of the records of the Treasury, by ~~[illegible]~~ ~~with~~ I have been forcibly struck ~~with~~ the large amount of public money which appears to be outstanding. Of the sum thus due from individuals to the government, a considerable portion is undoubtedly desperate; and, in many instances, has probably been rendered so by remissness in the agents charged with its collection. ~~a great part, however, may~~ By proper exertions, a great part, however, may yet be recovered; and, whatever may be the portions respectively belonging to these two classes, it behoves the Government to ascertain the real state of the fact. This can be done only by the prompt adoption of judicious measures for the collection of such as may be made available. It is believed that a very large amount has been lost ~~by~~ through the inadequacy of the means provided for the collection of debts due to the public; and that this inadequacy ~~consists~~ lies chiefly in the want of legal skill, habitually & constantly employed, in the direction of the agents engaged in the service. It must, I think, be admitted that the supervisory power ~~over the~~ suits brought by the public, which is now vested in an accounting officer of the Treasury, not selected with a view to his legal knowledge, and encumbered as he is, with numerous other duties, ~~is not favourable~~ operates unfavourably to the public interest.

It is important that this branch of the public service should be subjected to the supervision of such professional skill ~~such~~ as will give it efficiency ~~to its operations~~. The expense attendant upon such a modification of the executive Department ~~was [illegible] would~~ would be justified by the soundest principles of ~~enlightened~~ economy. ~~when through its operation, it shall have been ascertained what portion of the debts due to the government are recoverable, it will be worthy of the consideration of Congress, whether~~

5.111

~~some means may not be devised, by which~~, ^advantageously^ ~~consistently with the public interest, the relation of debtor & creditor, which, in the cases referred to, is alike hopeless as it regards the government, and distressing to the individual, may be terminated.~~

~~Continuation~~ I would recommend, therefore, that the duties now assigned to the agent of the Treasury, so far as they relate to the superintendence & management of legal proceedings on the part of the United States, be transferred to the attorney General ✗ ~~with the~~

✗ and ^that^ this officer ~~receive~~ be placed on the same footing in all respects as the ~~heads~~ heads of the other departments ~~as~~ receiving like compensation & having such subordinate officers provided for his department as may be ~~required~~ requisite for the discharge of these additional duties —

save much to the government ~~by the prompt & judicious application of the whole judicial means to similar objects~~. It might be farther extended to the superintendence of all criminal proceedings for offences against the United States. In making this transfer, ~~the~~ great care should be taken, however, that the power necessary to the Treasury Dept. be not impaired: one of its greatest securities consisting in a control over all accounts until they are audited or reported for suit. In connexion with the foregoing views, I would ~~also~~ suggest, ^also,^ an enquiry whether ~~some mode may not~~,

✗ the provisions of the act of Congress authorising the discharge of the persons of debtors to the ~~United~~ ~~States~~ ^Government^ from imprisonment may not ~~under the direction of the Atty Genl~~

~~from the imputation of fraud~~

ing to the attorney General, under proper regulations, the duty of investigating & reporting on all cases of the sort, to such authority as congress might deem it proper to constitute for their final decision; or else, by an insolvent law, administered ~~by the ordinary tribunals of the States under permission of the several States, by their judicial functionaries~~, under permission of the several States, by their respective ~~legal~~ tribunals, ~~but~~ limited ~~to the debtors of the United States, and capable of being put~~

~~some means may not be devised, by which, ultimately, consistently with the public interest, this relation of debtor & creditor, which, in the cases referred to, is alike hopeless as it regards the government, and distressing to the individual, may be terminated.~~

Continuation I would recommend, therefore, that the duties now assigned to the agent of the Treasury, so far as they relate to the superintendence & management of legal proceedings on the part of the United States, be transferred to the Attorney General; ~~and that, as to compensation & the aid of such clerks as may be requisite to the discharge of these additional duties, he be placed that officer~~ to ~~be placed on the same footing in all respects, with the heads of the other departments.~~ The professional skill of ~~that officer,~~ the Attorney General ~~appli~~ employed in directing the conduct of Marshals & district attorneys, ~~will~~ would hasten the collection of debts now in suit; and, hereafter, save much to the government ~~by the prompt & judicious application of the [illegible] [illegible] to similar objects.~~ It might be farther extended to the superintendence of all criminal proceedings for offences against the United States. In making this transfer, ~~the~~ great care should be taken, however, that the power necessary to the Treasury Dept. be not impaired: one of its greatest securities consisting in a control over all accounts until they are audited or reported for suit. In connexion with the foregoing views, I would ~~also~~ suggest, also, an enquiry whether ~~some mode may not~~, consistently with the public interest, ~~be adopted for~~ be extended to the release ~~of debts~~ of the debts ~~to the United States~~ [illegible] ~~in cases of absolute and irretrievable insolvency~~, where the conduct of the debtor is wholly exempt from the imputation of fraud. ~~This might be effected by~~ ~~settling~~ assigning to the Attorney General, under proper regulations, the duty of investigating & reporting on all cases of the sort, to such authority as Congress might deem it proper to constitute for their final decision; or else, by an insolvent law, administered ~~by the ordinary tribunals of the States under permission of the several States, by their judicial functionaries~~, under permission of the several States, by their respective ~~legal~~ tribunals, ~~but~~ limited ~~to the debtors of the United States, and capable of being put~~

~~into operation, in each case, only at the instance of the Government.~~ Some more liberal policy than that which now prevails in reference to this unfortunate class of citizens, is certainly due to them, & would prove beneficial to the country. The continuance of the liability after the means to discharge it have been exhausted, can only ~~[illegible]~~ serve to dispirit the debtor; or where ~~the~~ his ~~[illegible]~~ means are but partial, the want of power in the government to compromise & release the demand, instigates to frauds, as the only chance for securing ~~in the hope of providing~~ a support ~~for~~ to his family. He thus sinks into a state of lethargy,+ & becomes a useless drone ~~in~~ society; or ~~it converts it~~ a vicious member of it, if not a feeling witness of the rigor & inhumanity of his country. All experience proves, that oppressive debt is the bane of enterprize; and it should be the care of a Republic not to ~~attest~~ exert a grinding power over misfortune & poverty. ~~Let the relation of debtor & creditor between the citizen~~ ~~When the [illegible] of the debtor~~ ~~and government, end the moment it can be [illegible] determined without weakening the restraints of justice & morality. If maintained beyond this point, the usefulness of the citizen is impaired, and the government loses a portion of its moral strength.~~

+ quere "apathy"

‡ and that this officer be placed on the same footing in all respects as the heads of the other departments, receiving like compensation, and having such subordinate officers provided for his department as may be requisite for the discharge of the additional duties. ✓

‡ This might be effected by vesting the power under proper regulations, and with such assistance as consistently with his other duties could be given by the Attorney General, in such tribunal as Congress may think proper to designate or to establish — or by an insolvent law limited to the debtors of the United States and capable of being put into operation in each case only at the instance of the Government

1st Annual Message

J –

Treasury Debts sectn

R. II. 453-4

1st Annual! Message

J's draft of sectn re transference of powers from Treasury to Atty. Gen.

R. II. 453-4

[Not 2d AM, because that mentns appointment of Solicitor of Treasury]

Page 41- first message

Referring ~~[illegible]~~
~~Looking~~ to the records of the Treasury I have been
forcibly struck with the large amount of public
money which appears to be outstanding. A conside-
:rable portion of this sum, thus due from individuals
to the Govt. is unquestionably desperate, and in many
instances has probably been rendered so, by negligence,
want of skill on the part of the agents employed in
collecting it, and perhaps for the want of a proper
system of accountability on all & every agent of
the govt. employed in its collection. A great part of
this outstanding debt may yet be recovered by
proper exertions. Whatever may be the ~~[illegible]~~ respective
proportions of these two classes of debts, how much
may be beyond hope, & how much ^may yet be^ recoverable, it
behooves the Government to know the real state
of the facts- this can only be made known by the adop-
:tion of judicious measures for the collection of
such as by proper exertions may be made
available- It is believed that a large amount
of what is, or may be lost, has arisen from ~~the~~
~~inadequacy of the~~ means provided for ~~the retention~~ the collection
~~inadequacy of the means~~ of debts due to the public, ~~for~~ and
~~for the collection~~ ~~of the due to~~ has chiefly arisen from
~~and the inadequacy~~ ~~lies chiefly~~ ~~in~~ the want of legal skill habitually
employed in the direction of the professional
and other agents engaged in this service- I think
it must be admitted that the supervisory
power over the public suits, which is
now vested in an accounting officer of the
Treasury, and not selected with a view to his

~~[illegible]~~

to his legal knowledge, and charged, as he is, with numerous other duties is not favorable to the public interest.

It is important that the agents employed in the collection of the public dues, should be subjected to the supervision of professional skill, which will give efficiency to the exertion of the officers & agents employed — This supervision ~~[illegible]~~ suggested given to the Attorney General of the U. States with such aids & assistants as may be found necessary to enable him faithfully to perform the duties that may be thought proper to be assigned to him, & which the agent of the Treasury ~~is~~ now charged with, and which will give efficiency to the professional operations of collecting debts by legal process, and an attentive superintendance over the District attys & marshalls of the different States. ~~which~~ This ~~[illegible]~~ will give action to the recovery of all debts due to the Govt & its speedy payment into the Treasury.

The expence which will be incurred by such a modification of the executive department as will be necessary to accomplish this, will be justified by the soundest principles of a liberal economy. I recommend therefore that the duties now assigned to the agent of the Treasury so far as relates to superintending and ordering & directing legal proceedings be transferred to the atty genl & such aid as may be thought necessary to give promptness in the performance of the duties assigned to him from the Treasury department. To these duties might be added the

=superintendance of all criminal prosecutions for offences against the United States, and his personal attendance where it ~~may~~ is as well as the power of remitting [illegible] penalties, when they become practicable and also the duty of investiga=ting, the solvency of all those reported as public defaulters to the Govt. Department then ~~and~~ Instruction to Congress, that by Legisla=tive enactment, some mode may be pointed out by which those who have become really insolvent may be exonera=ted from the liability of his debt— In the transfer of the power from the Treasury Department to the Attorney General great care ought to be had that no power which pertains to the Treasury Department necessary for its security & facilities and which it now possesses, up to the auditing the accounts & handing it over to the agent for suit ought to be disturbed, lest the harmony of the system might be injured

B is now vested in the [illegible]tary of the Treasury—

— 1st Annual Message —

Kendall's draft of the clauses *re* frauds on the treasury — 1st 2 ¶'s preserved practically as here.

R. II. 454-5.

Since the last seſsion of Congreſs, various frauds on the Treasury have been discovered which I thought it my duty to bring under the cognizance of the United States Court for this District by a criminal prosecution. It was my opinion and that of able counsel who were consulted, that the cases came within the penalties of the act of Congreſs entitled an act

paſsed for the expreſs purpose of securing the treasury from such depredations. Either from some defect in the law or in its administration, every effort to bring the accused ~~offender~~ to trial under its provisions, proved ineffectual, and the government was driven to the neceſsity of resorting to the vague and inadequate provisions of the common law. It is therefore my duty to call your attention to the laws which have been paſsed for the protection of the Treasury. If indeed there is no law by which those who may be unworthily entrusted with its guardianship, can be punished for the ~~most dishon-~~ ~~orable and~~ most flagrant violations of duty, ~~extending~~ even to the fraudulent appropriation of its contents to their own use, it is time to remedy so dangerous an omiſsion. Or, if the law has been perverted from its original purposes, and criminals intended to be punished under its provisions, have been rescued by legal subtleties, it ought to be made so plain, by amendatory provisions, as to baffle the arts of perversion and accomplish the ends of its original enactment.

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In one of the most flagrant cases, the Court decided that the prosecution was barred by the statute which limits ~~requires that~~ prosecutions for fraud to two years. In this case, all the evidences of the fraud, and indeed all knowledge that a fraud had been committed, were in possession of the party accused until after the two years had elapsed. Surely the statute ought not to run in favor of any man while he retains all the evidences of his crime in his own possession, and least of all in favor of a public officer who continues to defraud the treasury and conceal the transaction for the brief term of two years. I would therefore recommend such an alteration of the law as will give to the injured party and the government two years after the disclosure of the fraud or after the accused is out of office to commence their prosecution.

In connection with this subject, I call the attention of Congress to the propriety of appointing a committee to inquire into and report, as far as it can be ascertained, the real state of the government at the commencement of the present administration. To them might be assigned the duty of ascertaining what retrenchments can properly be made, and of recommending such specific changes in the laws as may protect the treasury from future depredations.

Watkins case

1st Annual Messag

Donelson's copy of Kendall's draft of clauses re frauds on treasury. ¶3 & a few phrases recast

R. II. 454-5.

to follow – the remarks about [illegible]

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Since the last Session of Congress numerous frauds on the Treasury have been discovered which I thought it my duty to bring under the cognizance of the United States courts for this district by a criminal prosecution. It was my opinion and that of able counsel who were consulted that the cases came within the penalties of the act of Sec 17th approved 3d March 1823 Congress providing for the punishment of frauds committed on the Government of the United States. Either from some defect in the law or in ~~the~~ its administration ~~of the laws~~, every effort to bring the accused to trial under its provisions proved ineffectual; and the Government was driven to the necessity of resorting to the vague and inadequate provisions of the common law. It is therefore my duty to call your attention to the laws which have been passed for the protection of the Treasury. If indeed there be no provision by which those who may be unworthily entrusted with its guardianship can be punished for the most flagrant violation of duty, extending even to the most fraudulent appropriation of the public funds to their own use it is time to remedy so dangerous an omission. or if the law has been perverted from its original purposes, and criminals deserving to be punished under its provisions have been rescued by legal subtleties, it ought to be made so plain, by amendatory provisions as to baffle the arts of perversion and accomplish the ends of its original enactment

In one of the most flagrant cases the court decided that the prosecution was barred by the statute which limits prosecutions for fraud to to two years. In this case, all the evidence of the fraud, and indeed all knowledge that a fraud had been committed were in possession of the party accused until after the two years had elapsed. Surely the statute ought not to run in favor of any man while he retains all the evidences of his crime in his own possession, and least of all in favor of a public officer who continues to defraud the Treasury and conceal the transaction for the brief term of two years. I would therefore recommend such an alteration of the law as will give the injured party, and the Government two years after the disclosure of the fraud, or after the accused is out of office, to commence their prosecution.

In connection with this subject I invite the attention of Congress to a general and minute inquiry into the condition of the Govt. with a view to ascertain what offices can be dispensed with, what expenses retrenched, and what improvements may be made in the organization of its various parts to secure the proper responsibility of public agents, and promote efficiency and justice in all its operations.

The yard in this city being already supplied with the machinery necessary for

1st Annual Message —

War Department sectn, [prob.] final form, R., II. 455-7.

Some of the pencil correctns seem to be in Eaton's hand —

The draft was ~~d~~ made by a N.P. Trist [~~war department~~] ~~clerk~~.

[only 3 pp., shd be another]

1st Annual Message

N.P. Trist

Indian Sectn, final text.

R. II. 457-59

1./

The report of the Secretary of war, will make you acquainted with the condition of our army, fortifications, arsenals, and Indian affairs. The proper discipline of the army, the training & equipment of the militia, the education bestowed at West-point, and the accumulation of the means of defence applicable to the Naval force; ~~all~~ will tend to prolong the peace we now enjoy, and which every good citizen — more especially those who have felt the miseries of even a successful warfare — must ardently desire to perpetuate.

The returns from the subordinate branches of this Service exhibit a regularity & order highly creditable to its character: both officers & soldiers seem imbued with a proper sense of duty, & conform to the restraints of exact discipline with that cheerfulness which becomes the profession of arms. There is need, however, of further legislation, to obviate the inconveniences specified in the report under consideration; to some of which it is proper that I should call your particular attention.

The act of Congress of the 2d March 1821, to reduce & fix the military establishment, ~~having been~~ remaining unexecuted, as it regards the command of one of the Regiments of Artillery, cannot now be deemed a guide to the Executive in making the proper appointment. An explanatory act, designating the class of officers out of which this grade may be filled — whether from the military list, as existing prior to the act of 1821; or from it, as it has been fixed by that act — would remove this difficulty. It is also important that the laws regulating the pay and emoluments of officers generally, should be more specific than they now are. Those, for example, in relation to the Paymaster & Surgeon General, assign to them an annual Salary of $2.500; but are silent as to allowances which, in certain exigencies of the Service, may be deemed indispensable to the discharge of their duties. This circumstance ~~and the~~ are

+ ~~[illegible]~~, ~~have~~ has been the authority for extending to to them various allowances, at different times under former administrations: but no uniform rule has been observed on the subject. Similar inconveniences exist in other cases; in which the construction put upon the laws by the public accountants, may operate unequally, produce confusion, and expose officers to the odium of claiming what is not their due.

I recommend to your fostering care, as one of our safest means of national defence, the Military academy. This institution has already exercised the happiest influence ~~[illegible]~~ upon the moral & intellectual character of our army; ~~and will ultimately fill its ranks with officers of science & skill~~ & such of the graduates as, from various causes, may not pursue the profession of arms, will be scarcely less useful as citizens. Their knowledge of the military art will be advantageously employed in the militia service; and in a measure, secure to that class of troops the advantages which, in this respect, belong to standing armies.

I would also suggest a review of the Pension law; for the purpose of extending its benefits to every revolutionary soldier who aided in establishing our liberties, & who is unable to maintain himself in comfort. These relics of the War of Independence, ~~who are unable to maintain themselves in comfort~~, have ~~imperious~~ strong claims upon their country's gratitude & bounty. The law is ~~[illegible]~~ defective, in not embracing within its provisions all those who were, during the last war, disabled from supporting themselves by manual labor. Such an amendment would add but little to the amount of pensions; and is called for, by the sympathies of the people, as well as by considerations of sound policy. It will be perceived that a large addition to the list of pensioners has been occasioned by an order of the late administration departing materially from the rules which had previously prevailed. Considering it an act of legislation, I suspended its operation as soon as I was informed that it had commenced. Before this period, however, applications under the new regulation had been preferred, to the number of one hundred & fifty four: of which, on the 27th March, the date of its revocation, eighty seven

~~[illegible] than were admitted~~ Eighty-seven were admitted. For the ~~requisite~~ amount, there was neither estimate nor appropriation; and besides this deficiency, the regular allowances, according to the rules which have heretofore governed the Department, exceed the estimate of its late Secretary, by about fifty thousand dollars: for which an appropriation is asked.

Your particular attention is requested, to that part of the report of the Secretary of war, which relates to the money held in trust for the Seneca tribe of Indians. It will be perceived that, without legislative aid, the executive cannot obviate the embarrassments occasioned by the diminution of the dividends on that fund; which originally amounted to one hundred thousand dollars, and ~~not~~ has recently been vested in United States ~~six~~ three per cent stock.

The condition & ~~future~~ ulterior destiny of the Indian tribes, within the limits of some of our states, have become objects of much interest & importance. It had long been the policy of government to introduce among them the arts of civilization, in the hope of gradually reclaiming them from a wandering life. This policy has, however, been coupled with another, wholly incompatible with its success. Professing a desire to civilize ~~them~~ & settle them; we have, at the same time, lost no opportunity to purchase their lands, & thrust them farther into the wilderness. By this means, they have not only been kept in a wandering state; but been led to look upon us as unjust & indifferent to their fate. Thus, though lavish in its expenditures upon the subject, government has constantly defeated its own policy; and the Indians in general receding further & further to the west, have retained their savage habits.

A portion,
alone

4)

A portion, however, of the southern tribes, having mingled much with the whites, and made some progress in the arts of civilized life, have lately attempted to erect an independent government within the limits of Georgia & Alabama. These states, claiming to be the only sovereigns within their territory, extended their laws over the Indians; which induced the latter to call upon the United States for protection.

Under these circumstances, the question presented was, whether the General Government had a right to sustain those people in their pretensions? The Constitution declares that "no new state shall be formed or erected within the jurisdiction of any other state," without the consent of its legislature. If the general government is not permitted to tolerate the erection of a confederate state within the territory of one of the members of this Union, ~~much~~ less against her consent; much less could it allow a foreign & independent government to establish itself there. Georgia became a member of the confederacy which eventuated in our federal union, as a sovereign State, always asserting her claim to

certain

certain limits; which having been originally defined in her colonial charter, and subsequently recognized in the treaty of peace, she has ever since continued to enjoy, except as they have been circumscribed by her own voluntary transfer of a portion of her territory to the United States in the articles of ~~[illegible]~~ cession in 1802. Alabama was admitted into the Union on the same footing with the original states, with boundaries which were prescribed by Congress. There is no constitutional, conventional, or legal provision which allows them less power over the Indians within their borders, than is possessed by Maine or New York. Would the people of Maine permit the Penobscot Tribe to erect an independent government within their state? and unless they did, would it not be the duty of the General Government to support them in resisting such a measure? Would the people of New York permit each remnant of the Six nations within her borders, to declare itself an independent people under the protection of the United States? Could the Indians establish a separate republic on each of their

6.)

their reservations in ohio? and if they were so disposed, would it be the duty of this Government to protect them in the attempt? If the principle involved in the obvious answer to these questions, be abandoned; [illegible], it will follow that the objects of this government are reversed; and that it has become a part of its duty to aid in destroying the States which it was established to protect.

Actuated by this view of the subject, I informed the Indians inhabiting parts of Georgia & alabama, that their attempt to establish an independent government would not be countenanced by the Executive of the United States; and advised them to emigrate beyond the Mississippi, or submit to the laws of those States.

Our conduct towards these people, is deeply interesting, to [illegible] our national character. Their present condition contrasted with what they once were, makes a most powerful appeal to our sympathies. Our ancestors found them the uncontrolled possessors of these vast regions. By persuation & force, they have been made to retire from river to river, & from mountain to Mountain; until some of the tribes have become extinct, and others have left but remnants to preserve for a while, their once terrible

7.)

terrible names. Surrounded by the whites with their arts of civilization, which, by destroying the resources of the savage, doom him to weakness & decay, the fate of the Mohegans, the Narragansetts & the Delawares, is fast overtaking the Choctaw, the Cherokee & the Creek. "~~The places which now know them, will soon know them no more~~. forever" +

That this fate surely awaits them, if they remain within the limits of the States, does not admit of a doubt. Humanity and National honor demand, that every effort should be made to avert so great a calamity. It is too late to enquire whether it was just in the United States to include them & their territory within the bounds of new States, whose limits they could control. That step cannot be retraced. A State cannot be dismembered by Congress, or restricted in the exercise of her constitutional power. But the people of those States, and of every State actuated by feelings of justice & a regard for our national honor, submit to you the interesting question whether something cannot be done, consistently with the rights of the States, to ~~preserve~~ this much injured race?

As a means of effecting this end

end, I suggest for your consideration, the propriety of setting apart an ample ~~territory~~ district west of the Mississippi, and without the limits of any State or Territory now formed, so remote as to leave room for a range of States on the Mississippi ~~and Missouri~~ rivers, to be guarantied to the Indian tribes as long as they shall occupy it; each tribe having a distinct control over the portion designated for its use. There they may be secured in the enjoyment of governments of their own choice: subject to no other control from the United States, than such as may be necessary to preserve peace on the frontier, and between the several tribes. There, the benevolent may endeavor to teach them the arts of civilization; and, by promoting union & harmony among ~~the tribes~~ them to raise up an ~~[illegible]~~ interesting commonwealth, destined to perpetuate the ~~Indian~~ race, and to attest the humanity & justice of this Government.

This emigration should be voluntary: for it would be as cruel as ~~it would be~~ unjust, to compel the aborigines to abandon the graves of their fathers, and seek a home in a distant land. But they should be distinctly informed that if they remain within the limits of the States,

States, they must be subject to their laws. In return for their obedience, as individuals they will, without doubt, be protected in the enjoyment of those possessions which they have improved by their industry. But it seems to me visionary to suppose that, in this state of things, claims can be allowed on tracts of country on which they have neither dwelt nor made improvements; merely because they have seen them from the mountain, or passed them in the chase. Submitting to the laws of the States; and receiving, like other citizens, protection in their persons & property, they will, ere long, become merged in the mass of our population.

1st Annual Message

D. + Trust
Port^{n} of revenue sect^{n}
Nearly final text ("individ. liberty" substituted for "personal rights")
R. II. 453.

(To come in after the paragraph on the mints)

It is worthy of notice that the laws for the ~~collection and~~ collection ~~of~~ and security of the revenue arising from imposts were chiefly framed when the rates of duties on imported goods presented much less temptation for illicit trade than at present exists. There is reason to believe that those laws are in some respects quite insufficient for the proper security of the revenue, and the protection of the interests of those who are disposed to observe them. The injurious and demoralizing tendency of a successful system of smuggling is so obvious as not to require comment, and cannot be too carefully guarded against. I therefore ~~recommend~~ suggest to Congress the propriety of adopting efficient measures to prevent this evil, avoiding however as much as possible every unnecessary infringement of personal rights and embarrassment of fair & lawful business

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1st Annual Message —

D's hand.

Earlier form of various
Accts: long credits,
Treasury debts, etc.
Other ¶s not used.
R. II 452-3.

copy this

permanent security of the republic in all the various ways permitted to its authority.

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Some difficulty may however be expected in reconciling the diversified interest of the Union to such a reduction of the taxes as will not leave a considerable surplus of revenue beyond what may be required for the current service of the General Government. The disposition of such revenue ~~may~~ will involve questions of constitutional power and of great local interest. It is hoped that the near and certain approach of the period when these questions must be settled will lead to the adoption of some plan that may harmonise conflicting opinion and successfully unite the people and the States in a common feeling of interest and affection.

~~The disposition of the surplus revenue of the Govt among the States in the ratio of their representation in the House of Representatives subject to the joint control of the general and State Governments, appears to be the most equitable and safe disposition of such a fund. And if the exercise of such a power be thought unwarranted or dangerous as a prelude to the introduction of constitution powers may it not be expedient to submit to the States in the form of a constitutional amendment a proposition declaring the proper interpretation of the constitution in this respect.~~

I regard an appeal to the source of power in cases of real doubt and where its exercise is deemed indispensable to the general welfare as among the most sacred of all our obligations. Upon this Country more than any other has, in the providence of God been cast the special guardianship of the great principle of adherence to written constitutions

In the collection of the ~~Treasury~~ Revenue the long credits now authorised on ~~wares~~ goods imported from beyond the Cape of Good Hope are the chief cause of the losses at present sustained. If these were shortened to six, nine, and twelve months, and ware houses were provided by the Government sufficient to receive the goods offered as a deposit for the security of the duties, and for debenture & other evils would in a great degree be obviated. an authority to the Secretary of the Treasury to construct such houses is therefore earnestly recommended to your attention with the proposed alteration of the credits.

By an examination of the records of the Treasury I have been forcibly struck with the large amount of public money which appears to be *outstanding*. A considerable portion of this sum thus due from individuals to the Government is unquestionably *desperate*, and in many instances has been probably ~~been~~ rendered so, by negligence or want of skill on the part of the agents employed in collecting it. A great part of this outstanding debt, however, may yet be recovered by proper exertions; and whatever may be the respective portions of these two classes of debts, how much may be beyond hope and how much may yet be in a condition to be reclaimed, it behoves the Government to know the real state of the fact, and this can only be done by the adoption of judicious measures for the collection of such as may be made available. It is believed that a very large amount has been lost by the inadequacy of the means which are provided for the collection of debts due to the public; and that this inadequacy is to be traced chiefly to the want of legal skill habitually and constantly employed in the direction of the professional and other agents engaged in this service. I think it must be admitted that the supervisory power over the public suits which is now vested in an *accounting* officer of the Treasury, not selected with a view to his legal knowledge, and encumbered as he is with numerous other duties and favorable to the public interest

It is important that the agency employed in the collection of the public revenue should be subjected to the supervision of [illegible] checks which will give efficacy to their [illegible] of the officers employed. [illegible] experience might be given

and If the priority of payment and lien of the Government upon the estates of its insolvent debtors ~~intended~~ were more *fully secured*. ~~and further extended~~

If it fail here all hope in regard to it will be extinguished. That this was intended to be a government of specific and limited, and not general powers must be admitted by all and it is our duty to preserve for it the character intended by its framers. If experience points out the necessity for an enlargement of these powers let us apply for it to those for whose benefit it is to be exercised and not undermine the whole system by a resort to overstrained and unwarranted constructions. The scheme has worked well It has exceeded the hopes of those who devised it and has become an object of admiration to the world. ~~We are responsible to the people~~. We are responsible to the people and the ~~great~~ cause of self Government for the preservation of so great a good. The great mass of the legislation of the country and particularly that which relates to its internal affairs was intended to be left where the Federal constitution found it, in the State Governments. Nothing is clearer to my mind than that we are chiefly indebted for the success of the Federal constitution, to the watchful, auxiliary and sustaining operations of the State authorities. This is not the reflection of a day but has been among the first and deeply cherished opinions of my public life. I cannot therefore too strongly or too earnestly for my own sense of its importance warn you against all encroachments upon the legitimate sphere of State sovereignty. Sustained by its invigorating and healthful influence the Federal system can never fall.

is not favorable to the public interest.

It is important that the agents employed in the collection of the public dues, should be subjected to the supervision of professional skill which will give efficiency to their exertions ~~of the officers employed~~. ~~This supervision might be given to them~~. The expense which will be incurred by such a modification of the Executive Department will be justified by the soundest principles of a liberal economy. When in its practical operation we shall have ascertained what portion of the debts due the Government cannot be recovered, it will be worthy of the consideration of Congress whether some means may not be devised, by which consistently with the public interest, the relation of the debtor and creditor which in the cases referred to is alike hopeless as it regards the Government, and distressing to the individual, may be terminated.

I recommend therefore that the supervision of the duties now assigned to the agent of the Treasury so far as they relate to the superintendence and management of the legal proceedings in which the United States are interested, be transferred to the Attorney General of the United States, and that he being who is to be placed on the same footing in all respects with the secretaries of the other Departments, as to compensation and the use of such clerks as may be necessary to enable him to attend to this additional service. The professional skill of this officer directed to the conduct of the marshalls and district attorneys will hasten the collection of the debts which are now in suit and save much to the Government hereafter by the prompt and judicious application of legal means to the collection of its debts. It might be extended also to the superintendence of all criminal ~~process~~ proceedings on offences against the United States. In making this transfer, however, the greatest care should

1st Annual Message ④

VB's draft

Introductn (after ¶ 1)

and For. affs. sectn. Adopts much of the sense & wording of the preceding D-K versn

Basis of final text,

Save for Mexican sectn, wh. is rewritten in final. Verbal revisn throut.

R. II. 442–7

(6) sheets

25
145

[illegible] the

In communicating with you for the
first time it is a source of unfeigned
satisfaction to me & worthy of mutual
gratulation & devout thanksgiving to a
benevolent providence that we are at
peace with all mankind, and that
our Country exhibits in its interior
the most illustrious example
condition ~~the~~
welfare
of general ~~comfort~~ & prosperity improve-
ment. ~~which the world can witness~~
other nations are only
In looking upon mankind in the enjoy-
desire is to see health & plenty ~~[illegible]~~
ment of ~~peace~~ in freedom & in ~~[illegible]~~
ing in the ~~[illegible]~~
comfort. although ~~all~~ our foreign

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relations are those pacific in their general character there are nevertheless many subjects of difference between us & those powers of deep interest as well to the country at large as to many of our Citizens individually which require an adjustment. To effect so desirable an and shall continue to be the object of my earnest endeavours and notwithstanding the difficulties of the task I do not allow myself to apprehend unfavourable results. Blessed as she is with every thing which constitutes national strength our Country is abundantly adequate to the maintenance of all her interests.

In discharging the responsible trust which has devolved upon me

it is my purpose to ask for nothing that
is not clearly right and to submit to
nothing that is wrong. I cannot therefore
but flatter myself that supported by
the other Departments of the Government
and sustained by the intelligence and
patriotism of the people we shall
be able under the protecting care
of a kind providence to cause
all our just rights to be respected ~~ultimately~~
disputed. Of the matters in contest between
us & other powers the most prominent
are those which have for many years ~~either~~
been the subjects of negotiation
England France & Spain. The unavoidably
late period at which our ministers to
to those Governments left the U. S. renders
it impossible for me at this early
day to inform you what has

have done ~~in~~ those matters ~~the~~ subjects with which
~~they~~ have been charged. Relying upon
the ~~nature~~ of the interests and the
justice of the claims we have
committed to negotiation as well as
on the reciprocal good feelings
which characterize all our intercourse
with ~~those~~ powerful nations we ha-
the best reason to hope for a satisfac-
tory adjustment of many existing differ-
ences; and nothing is indicated in their
policy that threatens any future
breach in our friendly relations.

With Great Britain whose
achievements in the arts of peace and
war have spread her fame around
the globe we may I think look

a forward to many years of peaceful
honorable & elevated competition. The
~~nature of our~~ Every thing that belongs
to the ~~condition~~ & past history of the
two nations is calculated to inspire
sentiments ~~of~~ mutual respect and
admiration & ~~connect & fairly~~ to produce
both
cause to
an a conviction in the mind of all
it is their true policy to preserve
that ~~[illegible]~~ ~~[illegible]~~
~~situations~~ ~~[illegible]~~ ~~put the [illegible]~~ the
~~paramount~~ ~~of~~ the most intimate &
friendly relations. Such are my own
views & it is not to be doubted that such
is also the prevailing sentiment of the
Government & people of ~~[illegible]~~ the United States.
although there has not yet been time
nor
and opportunity for a full

development of the policy which the
present public functionaries design to
pursue towards us this Country &
have strong reason to believe that
it will be of a just & pacific
character. If the ~~[illegible]~~ agreeable
anticipation be realized we may look
with confidence to a speedy and
acceptable adjustment of our affairs
The proceedings under the convention for
regulating the reference to arbitration
of the disputed points of boundary
under the fifth article of the Treaty
of Ghent ~~[illegible]~~ hitherto to have conducted
in that spirit of candour & liberality
which ought to characterize the
acts of sovereign States seeking to

adjust important & delicate subject of con-
tention by the most unexceptionable means.
The first Statements of the parties have
been exchanged & the final replication
on our part is in a course of prepara-
tion. All the attention has been bestowed
upon this subject which is demanded
by its great & vindication ~~importance~~ to ~~one~~ of
the most patriotic members of the
confederacy. The preliminary exposition
of the merits of our claim has been
such as from the well deserved reputation ~~high character~~ for
industry & talents of the able commission-
er by whom it has been prepared we
had a right to expect. The Superintendance
of our interests at the Court of the arbi-
trating Sovereign has been committed to
a Citizen of the State of Maine whose
high character known talents and
intimate acquaintance with the

subject qualify him in an eminent
degree for the discharge of ~~trust~~ so
delicate & responsible a trust. With
a full reliance therefore on the justice
of our cause & the probity intelligence
and ~~known~~ acknowledged independence of the illustri-
ous & justly distinguished Arbitrator we
can have nothing to apprehend from the
result.

From France our ancient ally
we have a right to expect that justice
which becomes a powerful intelligent
and magnanimous people. Emerging
from the waves of the Revolution & war
which shook the world she has profited
by defeat & reaped advantages from disaster.
In the establishment of her constitutional
Government & of religious toleration - in her
representative body - in the more

3 general distribution of property and the liberty of the press She has made advances which mitigate if they do not atone for the blood she has shed & the toils she has endured. The beneficial effects which have been produced by our commercial convention with her of 1822 limited as were its provisions must be obvious to all & cannot fail to make a salutary impression upon the minds of those who are charged with the administration of her Government. Should it lead them to a disposition to embrace in their full extent those salutary principles of national intercourse which constitute our commercial policy our minister there will

be found instructed to cherish that
disposition and to aid in conducting
it to practical & useful results. I
~~regret that~~ The claims of our Citizens
for depredations upon their property
long since committed ~~under~~ the
authority & in many ~~cases~~ by the
express direction of the then existing
Governments of France ~~cannot~~ remain unsatisfied
I must therefore continue to furnish
the subject of unpleasant discussion
& collision between the two Governments.
I Cherish~~ing~~ however a lively hope founded as well
on the validity of those claims and the
true policy of all enlightened ~~judgment~~
Government as the known personal
~~as~~ integrity of the French Monarch
that the {unreasonable and injurious

delays of the past will be expressed by the equity & promptitude of the future. Our minister to France has therefore been instructed to press the subject of our claims on the attention of the French Government with that a degree of earnestness and assiduity which is due to their irrefutable justice but in a spirit & temper which should mark the respect which is justly due to the feelings of those from whom their satisfaction is required.

The embarrassments necessarily flowing from the regulation of commercial intercourse by separate & varying legislation and the jealousies which are fostered by discriminating & countervailing duties have from time to time presented injurious & irritating obstacles to the prosecution of our otherwise desirable and valuable commerce with Spain.

Our Minister recently appointed to represent
this Government near that court has been fully
instructed & authorized to assist in removing
those evils, alike injurious to both Countries &
either by the conclusion of a commercial
convention upon liberal & reciprocal terms
or by urging the unqualified acceptance
of the simple reasonable & salutary
provisions of our navigation acts. He
has also been directed to make one more
appeal to the justice of Spain in
behalf of ~~our~~ injured Citizens for
commercial
Spoliation committed under her authority.
an application which the liberal and
pacific policy at all times pursued by
the U. States towards Spain as well as
a due respect for the justice & honor of
that Government authorize us to expect

&c will not be made in vain.
With the other European powers our
intercourse though more limited in extent
is of the most friendly character. In Russia
whose territorial extent, numerous popula-
tion great power & merits fame place
her in ~~the~~ front rank of nations, the U.S.
steadfast
have always ~~found~~ a friend. although we
have looked upon her recent invasion of Turkey
with no other feeling than a lively sympathy
for all who suffer from the casualties
and desolations of War, we cannot but
anticipate that the results will favour
the cause of Civilization & the progress of
human happiness. Agreeing that the articles
of the treaty of peace as published are
genuine & have been finally ~~concluded~~ ratified we
cannot be insensible to the great advantages
which will be conferred on the commerce
~~[illegible]~~
of the U. States by opening to ~~us~~ a

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passage to the Black Sea, a right which
although enjoyed upon conditions by most
of the powers of Europe has been hitherto
denied to us. By the This provision of the Treaty of
Adrianople embraces as it would seem
all vessels of nations at peace with
the contracting ~~parties~~ & bound to the ports
of Russia upon that sea. Steps ~~Measures~~ have been during
the last summer taken ~~adopted~~ by this Government
for the acquisition among other things ~~the acquisition~~ of
this right which have been thus happily
in part anticipated. Further facilities to
its ~~the~~ enjoyment ~~of this right~~ as well as an
enlargement of ~~its~~ operation ~~are~~ objects of
great importance & shall receive my
zealous ~~undivided~~ attention. [illegible] The independence
of Greece will be permanently established
and the returning day of arts & science
will cast its morning light upon her
classic shores. With the

most lively enthusiasm do the people & public
functionaries of the U. States hail reviving
Greece and ~~[illegible]~~ anxious are they to welcome
the establishment by her present sons
of institutions worthy of their ancestors,
~~[illegible] of the [illegible] inhabitants.~~ our
~~whose Country [illegible]~~

our trade with Austria though of less
value than that which is carried on by us
with ~~several~~ other of the States of Europe has
been gradually increasing & is now of an
extent which richly deserves the fostering care
of Government. A negotiation commenced
& nearly completed
with that Government by the late adminis-
stration ~~of the~~ has during the last
Summer been brought to a close and
a Treaty of amity navigation & commerce
concluded ~~concluded~~ which ~~will~~ shall in due time
be laid before the Senate & will I trust
be found entirely satisfactory.

Diplomatic relations have during the recess of Congress been established between the U.S. and Portugal. The peculiar situation in which that Government ~~stands~~ stood towards the rest of Europe, with other reasons induced me to decline the recognition of his Portuguese ~~Majesty~~ Minister until an opportunity was afforded ~~to obtain~~ from ~~an~~ the official ~~organ~~ of this Government in Portugal information ~~his Court~~ of the actual & most ~~interesting~~ ~~condition~~ as far as practicable prospective condition of ~~the~~ its existing Government. This information was necessary to obtain. It left no doubt as to the propriety of applying the principle upon which this Government has acted since its institution and which regards only the existing Government of other Countries in the establishment or continuance of our diplomatic relations.

5 Considerable advance has been made
~~during~~ in the present year in the adjustment
of the claims of our Citizens upon Denmark
for spoliations upon our commerce yet
~~but~~ the whole of what we have a just
right to ask from that Government in
behalf of ~~the~~ citizens. of this has not yet
been ~~granted~~. conceded. From the liberal
footing however upon which the subject
has been placed by this Government
with the approbation of the claimants
themselves & the uniformly just
and friendly disposition ~~evinced~~
by his Danish Majesty there is
reasonable ground to hope that this
old & vexatious subject of difference
between the two Governments will
be speedily & happily removed.

From the want of experience & a general diffusion of Knowledge the South Republics have not yet made safe that liberty for which they have been so long contending. In some of them one political system after an other has been overturned by internal convulsions, the throes of which have not yet ~~not~~ ceased. We trust however that the day is fast approaching when the restoration of peace & internal quiet under permanent systems of Government which shall secure the liberty of the Citizen & promote human happiness will enable us to salute them as brethren in prosperous & peaceful

rivals in all, that is truly great & glorious.
The result of the recent invasion of Mexico by
Spain & the effect produced by that measure
upon the domestic politics of the former must
I should think have a controuling influen
upon the great question of South American
[illegible] seen the fell spirit of
liberty. ~~we have~~
civil dissension rebuked & overcome if
not forever silenced in that Republic by
their love of independence & their apparently
inextinguishable hostility to foreign domination.
If it be indeed true as appearances so
strongly indicate that the spirit of
independence is the master spirit and
if as is reasonable to suppose the
same sentiment prevails in the remaining States,
we are bound to believe that their devotion to
their institutions of their own creation will not
be without its proper effect upon the
councils of the mother Country.

Is it too much to hope for the consequent
adoption by Spain of a pacific policy
towards her former colonies which
would be consoling to humanity, and
and a blessing to the world not only to
Spain herself. The principal part of ~~our~~ the
claims of our citizens upon Brazil have been adjusted
and those upon other South American
~~States~~ Governments are in a train for
settlement. Measures have been taken to
place our commercial relations with Peru
upon a better footing than they have
hitherto stood. With a proper disposition
on the part of that Government a
trade of great value may be secured
with Peru & from recent indications there
is ~~reasonable~~ ground for confidence
that such disposition will not be
wanting. Deeply interested as we are
in the success of our sister Republics
and more particularly of that

C. A. which is also our neighbour it would
gratify me to be able to say that the ~~we have~~ treatment
received at their hands has been without
exception as favourable & friendly as
the early & constant solicitude which the
U. S. have manifested in their success
gave ~~them~~ a right ~~to expect~~. But an
imperious sense of duty compels me
to say that our affairs with the Republic
of Mexico have not worn so favourable
an aspect as for the interests of both is
~~due~~ so strongly to be desired. This
has been ~~[illegible]~~ of the more unexpected
in consequence of the so known friendly
[illegible] which the illustrious
individual who preside over that
in so many results highly favourable
people is known to be actuated towards
this Country. Three successive treaties
concluded with the Executive became

of that Government have failed of
coming to maturity in consequence
of an unexplained omission on the
part of the Legislature, to which
the ~~exist~~ question of ratification
belongs, to ~~act up~~ them. In two in-
stances, although years have elapsed
since they were negotiated, they
remain to the present time undecided
on the part of the Legislature
for the ~~[illegible]~~ been so long for an
~~was~~ withheld of ratification.
seasonable ~~able~~ exchange ~~for~~ results to
No justification or ~~excuse for~~ the conduct
mortifying can be found in that of
of this Republic towards Mexico
that has throughout been
studiously frank & friendly. The
true cause is probably to be found
in an unfortunate & as I trust

unfounded prejudice which has unhappily
~~obtained~~ agst. that Country against our
minister Mr ~~Poinsett~~. I have in
conformity to the declared wish of
the Executive of Mexico recalled him
from that station & appointed a
successor of the ~~same~~ grade with
~~him~~ Representative in this Country;
who ~~He~~. has been instructed to present to
the consideration of the Mexican
Government the grounds of our departure
in that friendly
[illegible] ~~with the best~~ but unreserved
but at the same time [illegible] to become
manner which it is my wish
observed in all our ~~offi~~ official
communications with foreign powers.
Not asking from Mexico any thing which
is not mutually advantageous
and consistent with the honor of
both republics — having thus removed

not only alleges the treaty ~~to be~~
as friendly & harmonious intercourse
between them — I cannot but hope for
a Salutary change in the course
of our affairs with that Gov-t.
Having thus in obedience to my views
of duty [illegible] the recall of Mr.
Poinsett it is due to that [illegible]
Citizen that I should add that no
evidence has come to my knowledge
that the imputations made against
him of an improper interference in the
domestic affairs of Mexico is founded
in truth & that no allegation to that
effect ~~[illegible]~~ has been made by [illegible] of the
the Federal Government of
Country.

⑤

1st Annual Message

VB's draft

Revised form of Mexican sectn — basis of final text,

verbal revisn + excisn throut.

Census ¶ — do.

R. II. 446-7

461.

One sheet

26

It becomes my duty to inform ~~your~~ Congress that the inveterate prejudices which have long prevailed in Mexico against Mr Poinsett ~~the E. E. & M. P. of the U. States to the U.~~ Mexican ~~M.~~ States ~~among a large & powerful party of its inhabitants~~ have had an unfortunate influence ~~upon the mutual~~ affairs of the two countries and to have diminished the usefulness which his own country might otherwise have derived from his talents & zeal. It is believed that to this cause is in a great degree ~~measure~~ to be imputed the abortion of ~~several~~ important measures, equally beneficial & ~~useful~~ & interesting to both parties - particularly in the failure of the Mexican Government to ratify a solemn treaty negotiated and ~~concluded~~ by him with its plenipotentiaries in its own Capital & under its own eye.

under these adverse circumstances it became
desirable to refer it to Mr Poinsetts option to
continue his residence at the Mexican
Capital or return home, as the interest of the
U. S. might in his judgment suggest. appli-
~~cation for leave to return was made by the~~
~~[illegible] and the~~ in
P. ~~to the late [illegible]~~ to his ~~[illegible]~~
leave to that effect referring to his
desire before expressed they being to return as soon as
he could ~~could~~ consistently do so, was
accordingly given to him by a letter from
this Department ~~of~~ under date of the
16th of October of the present year.
after this letter had been prepared but
before it was despatched a communi-
cation was recd at the Department of
State from the Chargé d'Affaires of
Mexico in this City, ~~stating~~ stating

~~that he had~~ conveying a request & an earnest desire ~~the wishes~~ of his
Government that Mr Poinsett should be recalled.
In consequence of this intimation the alternative
which ~~had been~~ proposed to Mr Poinsett has
was instantly countermanded - by instructions
from the Department of State he was recalled
from his mission, and a successor appointed
of the ~~same~~ grade with that of the Repre-
sentative of Mexico ~~near~~ this Government
The conduct of this Government towards that
Republic has ~~been~~ uniformly of the most
~~frankest~~ friendly character & having thus removed
the only, alleged obstacle to an harmonious intercourse
I cannot but hope that a salutary change
will be produced in our affairs with her
In justice to Mr Poinsett I think
~~Having~~ it proper to say that this step was not taken
on my part in consequence of any evidence that
~~in the~~ which has come to knowledge
the imputation substantiates of an improper ~~state~~ interference
in the local politics of Mexico, ~~and~~ or
well founded, or from a

want of confidence in his talents or integrity; cured to add, that the truth of the charges against which have been made agt. him has never been affirmed by the Federal Government of Mexico in its communications with the U.S.

The passage of a law for the periodical enumeration or census of the inhabitants of the U. States will claim the early attention of Congress, to ensure its completion within convenient time during the approaching year —

1st Annual Message — ⑥

Opening sectns

Hand of N.P. Trist – corrs. by Eaton

Revised form of Van Buren ~~Eaton's form~~, considerable revisn. Most of Eaton's amendments retained.

R. II. 442–3

3 sheets

29

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Fellow Citizens of the Senate & House of Representatives

It affords me pleasure to tender my friendly greetings, on the occasion of your assembling at the Seat of Government to enter upon the important duties to which you have been called by the voice of our countrymen. ~~Met~~ Assembled as the Federal Legislature of twenty four sovereign States & twelve millions of happy people, it devolves on me in conformity with the practice of my predecessors under a provision of the constitution, to present for your consideration a view of the affairs committed to the Executive, and to call your attention to such measures as, in the discharge of ~~its~~ my duties, have suggested themselves as necessary to promote the objects of our Union.

In communicating with you for the first time, it is to me a source of unfeigned satisfaction, calling for mutual gratulation & devout thanks to a benign Providence, that we are at peace with all mankind; and that, in its internal condition, our country exhibits the most cheering ~~instance~~ evidence of general welfare & progressive improvement that the world has witnessed. Turning our eyes ~~upon~~ to other nations, our great desire is to see our brethren of the human race secured in the blessings enjoyed by ourselves, & grati[illegible] t of a steady & irresistible and advances in knowledge, in freedom and [illegible] social happiness.

Our Foreign relations, although in [illegible] general character pacific & friendly, present, nevertheless, subjects of difference between us & other powers, of deep interest, as well to the country at large as to many of our citizens individually. To effect ~~their~~ an adjustment shall continue to be the object of my earnest endeavors; and notwithstanding the difficulties of the task, I do not allow myself to apprehend unfavorable results. Blessed as our country is, with every thing that constitutes national strength, she is fully adequate to the maintenance of all her interests. In discharging the responsible trust ~~devolved upon~~ confided to me in this respect, it is my settled purpose to ask for nothing that is not clearly right, & to submit to nothing that is wrong; and I flatter myself that, supported by the other

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branches of the Government and sustained by the intelligence and patriotism of the People, we shall be able, under the protection of Providence, to cause all ~~her~~ our just rights to be respected.

Of the unsettled matters between us & other powers, the most prominent are those which have, for many years, been the subject of negotiation with England, France, & Spain. The unavoidably late period at which our ministers to those Governments left the United States, renders it impossible, at this early day, to inform you what has been done in the matters with which they have been charged. Relying upon the nature ~~of the interests & the~~ & justice of the claims we have committed to negotiation, ~~as well as on~~ & on the reciprocal good feeling which characterizes our intercourse with those powerful nations, we have the best reason to hope for a satisfactory adjustment of every existing differences; ~~and nothing is indicated in their policy that threatens any future breach in our friendly relations.~~

With Great Britain, alike distinguished in peace & war ~~whose attainments in the arts of peace & of war have spread her fame around the globe~~, we may look forward, I think, to many to years of peaceful, honorable & elevated competition. Every thing in the condition & past history of the two nations is calculated to inspire sentiments of mutual respect & admiration, and to carry conviction to the minds of both, that it is their true policy to preserve the most intimate & cordial relations. Such are my own views; and it is not to be doubted that such is also the prevailing sentiment of our constituents. Although there has yet been neither time nor opportunity for a full developement of the policy which the present ~~public~~ functionaries of Great Britain design to pursue towards this country, I indulge the hope ~~there is strong reason to anticipate~~ that it will be of a pacific & just character. If this ~~sp~~ ~~the~~ anticipation be realized, we may look with confidence to a speedy and acceptable adjustment of our affairs.

~~The proceedings~~ Under the convention for regulating the reference to arbitration of the disputed points of boundary ~~under~~ the Fifth article of the Treaty of Ghent, the proceedings have hitherto been conducted in that spirit of candor & liberality which ought ever to characterize the acts of Sovereign States seeking to adjust, by the most unexceptionable means, important & delicate subjects of contention. The first statements of the parties have been exchanged, and the final replication on our part is in course of preparation. This subject has received all the attention demanded by its great & ~~particular~~ peculiar importance to one of the most a patriotic member of this confederacy. The preliminary

Jackson's Inaugural

No 20

8/5—

exposition of the merits of our claim already made ~~has been~~ is such as, from the well ~~deserved~~ high reputation ~~for industry & talents~~ of the commissioners by whom it has been prepared, we had a right to expect. our interests at the court of the Sovereign who has evinced his friendly disposition by assuming the delicate ~~trust~~ task of arbitration, have been committed to a citizen of the State of Maine whose high standing, known talents, and intimate acquaintance with the subject, eminently qualify him ~~in an eminent degree~~ for so responsible a trust. with ~~a [illegible]~~ confidence, therefore, in the justice of our cause, and on the probity, intelligence & uncompromising ~~acknowledged~~ independence of the illustrious arbitrator, we can have nothing to apprehend from the result.

From France, our ancient & esteemed ally, we have a right to expect that justice which becomes the Sovereign of a powerful, intelligent & magnanimous people. ~~Emerging from the [illegible] of the Revolution & war which shook the world, she had richly profited by defeat & reaped advantage from disasters, in the establishment of her Constitutional Government, on a system of Religious toleration — in her Representative body — in a general distribution of property and in the liberty of the press.~~

The beneficial effects produced by ~~our~~ the commercial convention ~~with her~~, of 1822, limited as were its provisions, must be obvious to all, & cannot fail to make a salutary impression upon the minds of those who are charged with the administration of her Government. Should this result induce a disposition to embrace in their full extent those wholesome principles ~~(of rational intercourse)~~ which constitute our commercial policy, our minister there will be found instructed to cherish that disposition and to aid in conducting it to useful practical ~~results~~ conclusions. The claims of our citizens for depredations upon their property, long since committed under the authority, and, in many ~~cases~~ instances by the express direction of the then existing Government of France, remain unsatisfied; and must, therefore, continue to furnish a subject of unpleasant discussion and possible collision between the two Governments. I cherish, however, a lively hope — founded as well on the validity of those claims & the ~~true~~ established policy of all enlightened Governments, as on the known personal integrity of the French Monarch — that the unreasonable & injurious delays of the past will find redress in be redressed by the equity & promptitude of the future. our Minister has, therefore, been instructed to press these demands on the French Government with the assiduity & earnestness claimed by their importance & by ~~their~~ undeniable justice; tho' but in a spirit & temper becoming the respect due to the feelings of those from whom the satisfaction is required.

With Spain, our otherwise valuable & desirable commerce has, ~~encountered~~ from time to time, encountered the injurious & irritating obstacles unavoidably flowing from the regulation of commercial intercourse by separate & varying legislation, & the jealousies fostered by discriminating & countervailing duties. Our minister recently appointed to that Spain court, has been fully instructed & authorized to assist in removing ~~these~~ evils, alike injurious to both countries, either by the conclusion of a commercial convention upon liberal & reciprocal terms; or by urging the ~~unqualified~~ acceptance, in their full extent, of the simple, reasonable & mutually beneficial provisions of our navigation acts. He has also been directed to make one further more appeal to the justice of Spain in behalf of our injured citizens for commercial spoliations committed under her authority; — an appeal, which the pacific & liberal course at all times observed on our part, as well as a and a ~~proper~~ respectful confidence in the honor of that Government, authorize us to expect will not be made in vain.

With the other European powers, our intercourse, though less extensive, is on ~~of~~ the most friendly footing. In Russia, whose territorial limits importance, extensive numerous population, & great power, & merited fame, place her high in the front rank of nations, the U.S. have always found a steadfast & highly valued friend. Although her recent invasion of Turkey has ~~excited~~ awakened in us the ~~feelings of~~ a lively sympathy for those due to all who suffer under the casualties & desolations of war, we cannot but anticipate that the results will prove favorable to the cause of civilization & to the progress of human happiness. Assuming that the Treaty of peace, between these powers, as published, ~~is genuine &~~ has been finally ratified, we cannot be insensible of the great benefit to be derived ~~by~~ to the commerce of the U. States from ~~the~~ the navigation ~~unlocking~~ of the Black Sea, a free passage into which is secured to all vessels bound to the ports of Russia under a flag at peace with the Porte. ~~This~~ advantage, ~~[illegible]~~ hitherto enjoyed, upon conditions, by most of the powers of Europe, has been ~~hitherto~~ withheld from us; ~~and measures steps~~ During the last summer, steps were taken by this Government, with a view, among other objects, to the ~~it~~ acquisition of this commercial privilege although these measures have been, ~~thus~~ in part, ~~the~~ fortunately anticipated, ~~the~~ further facilities to the enjoyment of this new field for the enterprise of our citizens, together with its extension — ~~which were among the objects adverted to~~ — still possess in my ~~eyes~~ opinion an importance ~~that~~ ~~will~~ should ensure to them a ~~our~~ zealous attention on our part.

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Our trade with Austria, though of less importance than that carried on with many other States, has been gradually increasing, and ~~is now~~ of an extent to deserve the fostering care of the Government. A negotiation, commenced & nearly completed with that Power by the late administration, has, during the past summer, been brought to a close, & a ~~ripened into a~~ Treaty of amity, navigation & commerce, concluded, which will ~~which shall, in due time~~ be laid before the Senate, ~~and will, I trust, prove entirely satisfactory~~.

With Portugal, our diplomatic relations have, during the recess of Congress, been reestablished, & the govt of that Country acknowledged by this

Considerable advance has been made during the present year, in the adjustment of the claims ~~of our citizens~~ upon Denmark for spoliations upon our commerce; but all that we have a right to demand from that Government in behalf of our citizens, has not yet been conceded. From the liberal footing, however, upon which the subject has, with the approbation of the claimants themselves, been placed by this Government; together with the uniformly ~~[illegible]~~ fair & friendly disposition evinced by his Danish Majesty; there is reasonable ground to hope that this old ~~& vexatious~~ subject of difference will be speedily removed.

Our relations with the Barbary powers continue, as they have long been, of the most peaceful character. The policy of keeping a respectable force in the Mediterranean, as a security for the continuance of this tranquillity, will be persevered in; as will a similar one, for the protection of ~~the~~ their commerce & fisheries in the Pacific.

From the want of experience & a general diffusion of knowledge, the Southern Republics of our own hemisphere have not yet realized the advantages ~~made secure that liberty~~ for which they have been so long struggling. In some of them, one political system after another has ~~have~~ been overturned by internal convulsions, the throes of which have not yet ceased. We trust however that the day is fast approaching when the restoration of peace & internal quiet under permanent systems of government which shall secure the liberty ~~of the citizen~~ & promote the happiness of the citizens will enable us to salute them as brethren in principle & friendly rivals in all that is truly great & glorious.

The ~~result of the~~ recent invasion of Mexico, & the effect, thereby produced ~~by that attempt~~, upon ~~the~~ her domestic politics ~~of that State~~ must, it would seem, have a ~~marked~~ controlling influence upon the great question of South american emancipation. We have seen the fell spirit of civil dissention rebuked & perhaps ~~silenced if not~~ forever stifled in that Republic by the love of independence & ~~an apparently inextinguishable~~ hostility to foreign dominion. If it be indeed true, as appearances so strongly indicate, that the spirit of independence ~~is~~ the master spirit; and if, as is reasonable to suppose, the same sentiment prevails

Tariff

1st Annual Message

Recto - D.

Verso - K

3 sheets

Const. Amend.

1st Annual Message

Recto: Draft by A. J. Donelson, prob. deriving from the Jackson Draft. Lent by J.A. Hamilton [illegible] Trust

Verso: Kendall's revisn of D.'s draft, much nearer final text.

A page is missing from the D. (p. 5), but the K. draft is complete.

6 sheets

1st Annual Message

Recto: D.'s draft of a foreign relatns sectn [modelled to some extent on Jackson], & beginning of amendmt. sectn

Verso: A Kendall's revisn of Donelson's draft: partially employed by VB for his draft.

R. II. 443-7

14 = 6 + 8

③ sheets

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The late period at which our ministers to England and France left the U S, and which on several accounts was unavoidable, places it out of my power, at this early day, to say what has been done ~~with~~ on the subjects that have been brought to the consideration of those Governments. Relying however upon the justice of the interests which we have committed to nego-tiation ~~with them~~, and the reciprocal good feeling which now distinguishes all our relations with them, scarcely a doubt can be entertained of the most satisfactory adjustment of every existing difference; and nothing is foreseen in the future policy of either that indicates a suspension of this happy intercourse. With England, whose courage we have proved, and whose at-tainments in every art and science have given her power and fame in every quarter of the globe, we may promise ourselves the most laudable, elevated, and, I trust, long continued competition in peace; and with our ancient ally, France, associated as she is with all the grateful remembrances of the success which crowned our Revolutionary struggle, we may rejoice in the establishment of her constitutional government, and in her acquisition ~~[illegible]~~ of religious toleration, — the surest guarantee for the maintainance of those free and liberal principles which will find in the habitual practice

It affords me pleasure to congratulate you on your safe arrival in this City for the purpose of entering upon the discharge of the important duties which are assigned to you by the constitution of our country. Twenty four sovereign states and twelve millions ~~Twenty four sovereign states~~ of happy ~~[illegible]~~ people recognize you as their national legislature, and in ~~in~~ obedience to the injunctions of the constitution and in imitation of my illustrious predecessors, it is incumbent on me to call your attention to such measures as I may deem necessary to promote the objects of our federal union.

In communicating with you for the first time, it affords me unfeigned satisfaction, and will be a source of mutual gratulation and devout thanksgiving to a benignant Providence, that we are at peace with all mankind ~~the world~~, and that our country exhibits, in its internal condition, the most illustrious example of general comfort and progressive improvement, which the world has ever witnessed.

In our intercourse with foreign nations nothing has occurred since the last session of Congress to interrupt those friendly relations which it is our true policy and shall be my constant aim to cultivate and preserve. Upon the nations of the old world and the communities springing into existence ~~in~~ the new, we look without any other interest than an ardent desire to see mankind, in the enjoyment of peace, health and plenty, advancing in knowledge, in freedom ~~and~~ social comfort.

of justice, forbearance, and honorable feeling to foreign powers, the best means of improving her immense resources, and multiplying the blessings of good Government. South America from the want of experience and a general diffusion of knowledge has not yet made safe the liberty for which she has been so long contending. In some cases she has been thrown back by internal dissention - in others the force of the mother country is still exerted to prevent the establishment of Republican Government and the rights of the people. We trust however that the day is fast approaching when their revolutionary troubles will cease, and when our sympathies for their success will be changed into congratulations of the most animating and cheering kind. With the other powers, so far as any intercourse exists, the most friendly understanding prevails; and particularly with Russia whose wide-spread fame places her in the front-rank of the nations of Europe. altho we have looked upon the incursion of her emperor upon the European possessions of the Sultan with no other feelings than those of sympathy for all who suffer discomfiture in the fields of battle, we cannot but anticipate that its results will favor the cause of human happiness, in laying the foundations of a more lasting peace, in

The late period at which our ministers to England and France, on account of delays on many accounts unavoidable, left the United States, renders it impossible for me, at this early day, to inform you what has been done on the subjects which have been brought to the consideration of those governments. Relying upon the nature of the interests and the justice of the claims which we have committed to negotiation, as well as on the reciprocal good feelings which characterizes all our intercourse with those courts, we have scarcely room to doubt the most satisfactory adjustment of every existing difference; and nothing is indicated in the policy of those powerful nations which threatens any future breach in our friendly relations. With Great Britain whose courage we have proved and whose attainments in the arts of peace and war have spread her fame around the globe, we may look forward to many years of honorable and elevated competition; with France, our antient ally, associated as she is in the grateful remembrances of our revolutionary struggle, we rejoice in the establishment of her constitutional government and of religious toleration. That 'wonderful people' emerging from the waves of revolution and war which shook the world, profit by misfortune and reap advantages from defeat. In her constitution, in her representative body, in the more general distribution of property and in the liberty of the press, she has made advances which compensate for the blood she has shed and the toil she has endured. We have now a right to expect from her that forbearance and justice in all her intercourse with foreign powers which become, a powerful ~~great~~ intelligent and magnanimous nation. ~~people~~

which the common interest of both will not only recognize the independence of Greece, ~~and~~ but unite in reclaiming her resources and ancient fame. For the achievement of such an event the people and the public functionaries of these States have felt the ~~sympathy~~ anxiety due to the possessors of the land so early consecrated by liberty, genius, and art; and will welcome with a burning enthusiasm the reign of institutions worthy of such an inheritance. In the indulgence of similar sentiments many of them also look with attachment to Holland, Germany, Scotland & Ireland; and the Executive views them with pride as strengthening the general obligation to treat all the nations of the earth with justice, & kindness, ~~& forbearance~~.

Among the objects of domestic concern, I cannot forbear to bring to your consideration, as first in importance, the propriety of amending that ~~article in~~ part of the constitution which ~~provides~~ relates ~~for~~ to the election of ~~the~~ chief magistrate. The necessity for ~~a change on this subject~~ an alteration of the present mode has been made ~~so clearly evinced~~ so clear by the experience of its evils, and the ~~numerous~~ many able discussions which ~~they~~ these have elicited on the floor of congress and elsewhere, that I feel I would be wanting in a just respect for the principles of our institutions ~~&~~ if I omitted to

From the want of experience and a general diffusion of knowledge, the Southern Republics have not made safe that liberty for which they have been so long contending. In some of them, one political system after another has been overthrown by internal convulsions, the throes of which have not yet ceased; in others, the force and influence of the mother country are yet exerted to retard the progress of liberal principles and prevent the establishment of republican governments. We trust, however, that the day is fast ap~~pro~~proaching, when the restoration of peace and internal quiet under permanent systems of government which shall secure the liberty of the citizen and promote human improvement, will enable us to salute them as brethren in principle and peaceful rivals in all that is truly glorious and great.

With the other powers, our intercourse though more limited ~~in~~ extent, is of the most friendly character. In Russia whose territorial extent, numerous population, great power and merited fame place her in the front rank of nations, the United States have always found a steadfast friend. Although we have looked upon her recent invasion of Turkey with no other interest than a lively sympathy for all those who suffer from the casualties and desolation of war, we cannot but anticipate that its results will favor the cause of civilization and the progress of human happiness. The independence of Greece will be permanently established and the returning day of art and science will cast its increasing light upon her ~~Classic~~ shores. With a lively enthusiasm the people and public functionaries of the United States hail reviving Greece, and are anxious to welcome the establishment, by her present sons, of institutions worthy of ~~the~~ ancestors whose country they inherit.

2

recommend the adoption of some new mode of exercising by the People this important ~~function~~ attribute of their sovereignty. Our system fortunately contemplates this recurrence to its ~~elements~~ first principles, without endangering its harmony, or interrupting the operations of the Government, differing in this respect from all that have preceded it, and ~~ensuring~~ ~~marking~~ securing thus, it is to be hoped, ~~from~~ against that ~~imperfection and~~ decay which have marked the progress ~~existence~~ of every former republic. Our fellow citizens too, who, in proportion to their love of ~~liberty of~~ freedom, have ~~[illegible]~~ watched with a jealous caution over the principles that sustain it. When they perceive the incompetent action of any part of the system, do not require to be reminded of the duty which they owe ~~themselves~~, to correct it. While they are sensible that ~~official~~ every abuse in the exercise is no necessarily indicative abuses may occur in the ~~exercise~~ of operations organization of delegated power without indicating a bad organization of its constituent ~~elements~~ parts; and that even under some circumstances, that temporary ~~excitement~~ may give to one or more of these elements an undue influence, without calling for a remedy; yet the habitual presence of these evils, or a single instance of one of them which can be clearly traced to an organic defect, will not be disregarded or suffered to remain, from a too scrupulous veneration for the work of their ancestors. The framers

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In the indulgence of similar feelings, many of them look also ~~with attachment~~ to Holland, Germany, Scotland and Ireland, which, in addition to other grounds of attachment are the lands of their ancestors and the homes of their kindred.

As a government, we regard all nations alike and acknowledge our obligations to treat all with equal kindness and equal justice.

I consider it one of the most urgent of my public duties to bring to your attention the propriety of amending that part of our constitution which relates to the election of President. Our system of government was considered by its framers an experiment and they wisely provided in the fundamental law, a mode of correcting its errors and supplying its defects. If through ~~[illegible]~~ reverence of our fathers, we neglect ~~refuse~~ to profit by the admonitions of reason and the lights of experience, we shall render ~~impose~~ to useless their precautions and deny their wisdom.

To the people belongs the right of electing their own Chief Magistrate. The interposition of electors, and, in certain contingency, ~~the~~ reference of the election to the House of Representatives, could not have been intended to defeat the choice of the people. To say that our fathers contemplated such a result, would be to deny them republican principles and stigmatize their memories. Experience has proved what reason teaches, that in proportion as agents ~~are interposed~~ employed to execute the will of the people ~~between the people and~~ are multiplied in the same proportion is there danger ~~of~~ that the popular choice will be defeated. Some of those agents may be ~~unfaithful~~, some corrupt; and all are liable to err. So far, therefore, as the people can with convenience speak, it is safer for them to express their own will. The people of New York vote for thirty six electors and those of every other state for more than one. Would it not be more convenient as well as more safe for them to vote directly for President and Vice President? Convenience, safety and I may add economy all ~~[illegible]~~ conspire to recommend an

3.

of the constitution considered it an experiment committed to the virtue and intelligence of the great mass of their country men, in whose ranks they themselves were also to perform the part of scrutinizing and patriotic observation; and if they have passed from the stage of existence with an increased confidence in its adaptation to the great ends of human association, we must rather learn from authority so sacred the duty of fortifying the points in it which time may prove to be exposed than be deterred from approaching them by the ~~sentiments~~ suggestions of fear, or ~~the admonitions of~~ ~~sentiments~~ of misplaced reverence.

The provision of the constitution in question does not secure to the people a free and unbiased election of their Chief Magistrate, ~~which is one of their most important rights~~. It may be defeated by the vote of a single member of the House of Representatives who from various causes ~~in the college of electors~~ may mistake the voice of his constituents, if not deliberately disobey it from ~~motives of self aggrandizement~~ personal considerations. A contingency, ~~productive of~~ exposed to such a result should not exist. It is unjust to the people, a source of embarrassment to the ~~Candidate~~ officer created by it, and of distrust and reproach to the Representative Body. Composed as the election directly by the people.

So many are the aspirants to the Presidency and so different the interests which may hereafter constitute the basis of their claims, that we have little reason to expect an election by the people or their electors in the first instance. In that event the election devolves on the House of Representatives. There the chances of unfaithfulness and corruption are more than redoubled. As the members vote by states, there are but twenty four votes, and it often happens that each of many of the members is controlled by a single man. We ought not so far to rely on human virtue as to suppose that candidates will never offer and members of Congress will never accept a portion of those offices and honors which the Presidency commands, as the price of votes.

But without corruption in the Representative body the will of the people is constantly liable to be misrepresented in such an election. Some may err from ignorance of the wishes of their constituents; other from a belief that it is their duty to consult their own opinions only in relation to the fitness of the contending candidates. Even if all be honest and faithful, a minority may often make the president in an election where a million of people in one state have no more weight than a ~~hundred~~ few thousands in another. When a minority makes the president, no matter whether the election be pure or corrupt, what have we to expect but a struggle on the part of the majority to regain their power and place in the Executive chair the candidate of their choice? It cannot be anticipated that a President elected by a minority will ever be permitted to administer the government in peace. He cannot do the good he would, and he confederacy is of so many independent States, susceptible of classification according to their location into sections of peculiar common interest, the tendency of this contingency will be first, to make its exercise unavoidable by the multiplication of candidates, and ultimately to swell the force of these sectional [illegible] beyond the restraints of patriotism, and the just rights of the minority. An evil so threatening to the peace and integrity of the Union should be eradicated from ~~not remain ingrafted on~~ the constitution. Altho', thus far, the virtuous and intelligent action of the country have prevented its spreading thro' the body politic, it would be as unreasonable to rely longer ~~always~~ upon this source of correction, as it would be to rely on the temporary success of the vigilance and skill of a Physician in checking a disease in the human system without curing the one or destroying the other. In either case it is the part of wisdom to remove the disease and dispense as far as practicable with palliative appliances.

actuated by these views I

(~~Upon~~ one ~~this ground it is~~ submitted [illegible] suggest whether the constitution ought not to be so changed as to give to the people the privilege of voting directly and by name for the

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has an ever active inducement to use the power and patronage of the government to increase the number of his supporters and ^they endeavor to^ secure a reelection by the voice of a majority.

True policy as well as correct principle requires that the public will should flow freely in this important ~~popular~~ election. Every obstruction is calculated to breed parties and promote dissention. The will of a powerful ~~and~~ people cannot [illegible] ~~safely~~ peaceably and safely thwarted. [illegible] governments it seeks its ^end^ ~~accomplishment~~ in bloody revolutions; in Republics it accomplishes its purposes through the exercise of suffrage. In the former it is sometimes conquered by mercenary bayonets; in the latter, it is often assailed by the arts of corruption and deceit. ~~In the latter,~~ its conquest ^in Republics is a^ ~~in the~~ sure sign of the decay of public virtue; its victory is often achieved at the expense of social harmony. Let us then so amend our system as, in the election of Chief Magistrates, to let it run unobstructed. If there be any who doubt whether the people have the intelligence which would enable them to make a judicious choice, let them think, not how they be deprived of their rights, but how they can be qualified to use them with discretion. Let such statesmen turn all their energies to the establishment of schools in their several states and of the dissemination of that knowledge which shall enable the humblest of their fellow citizens to understand their rights and know how to preserve them.

Actuated by these views I earnestly recommend such an amendment of the constitution as will remove all intermediate agency in the election of President and Vice President, and submit the question directly to the people. The mode may be so regulated as to preserve to each state its present relative weight in the election, and in case there be no choice in the first instance let it be again referred to the people to decide between the two highest candidates.

~~any~~ alteration of the mode ~~of selecting that~~ ~~officer [illegible]~~ × ~~appointment to the~~ ~~of selecting that officer~~. ~~The highest office~~ be unattainable by ~~within the gift of a free people should never be~~ ~~rendered capable means being obtained~~ ~~said to have been gained by any other means~~

× The appointment to the highest office in the gift of a free people should be placed beyond the reach of any other means

than those which result from the pure action of the character & public services of the incumbent ~~incumbent~~, who should approach its solemn responsibilities and cares, unpledged ~~to partizan~~ award ~~compromises~~, ~~unprejudiced~~ to those whose partialities opposed him, and uncommitted to any interests but those which are inspired by the constitution of his country - and that the securities for this frame of mind may be rendered as certain as the nature of power, and the weakness of its possessor ~~possessor~~ will admit, it is suggested as the result of my best reflection, that he should not be twice eligible.

Fixed periods also to the appointments of the heads of bureaus and of the clerks in the various departments of the Government, as a means of ensuring a more healthful and equitable administration of the laws, both as it regards accountability in the many branches of service, and the equal claims of all the citizens to a participation in the emoluments of office - is deemed ~~likewise~~ of sufficient importance to be submitted ~~to the people~~ in connexion with a change in the constitution.

If Congreſs should doubt the wisdom or salutary effects of such a change, it is worthy of consideration whether every member of Congreſs who may vote for a President ought not to be disqualified by a constitutional provision from holding any office of trust or profit under his appointment. Corruption and suspicion would thus be removed from the members of Congreſs when acting as electors, and if the President himself were made ineligible for a second term much would be done to obviate the dangers which threaten our institutions.

Nothing can be more true in our theory of government than that offices are created for public instead of private convenience and interest; yet the practice of the day is a complete reversal of this sound principle. If it does not make them life-tenures it has certainly failed to regulate their duration by the ability to discharge their duties. A provision making these offices vacant at stated periods will cure this evil, put an end to the clamor and censure resulting from removals, and produce economy and a more elevated spirit in the incumbents.

The framers of the constitution were governed by considerations of this character in prohibiting any member of Congreſs from being eligible to an office which had been created, or the emoluments of which had been increased, during the term of his election. Their object was to keep as separate as poſsible the Legislative and Executive branches of the Govt. to withdraw from the first the temptations of private interest in the subjects of Legislation; to divert the patronage of the other into channels not yet occupied by political agents; and thus to maintain the purity of both. But it may be doubted whether they went far enough, and whether an additional amendatory

There are perhaps few men who can long possess office and power without being more or less corrupted. If they do not sell their integrity for money, they acquire a habit of looking with indifference upon the public interests and tolerate practices at which an unpractised man would revolt. Office becomes in their minds a kind of property and government is viewed more as a means of administering to their individual interests than as an institution created solely for the happiness of the people. Corruption in some and a perversion of right feelings and principles in others producing almost all the evils of corruption, pervert government from its legitimate ends and make it an engine for the support of the few at the expense of the many. The duties of all the public offices are or ought to be, so simple and plain that men of intelligence may soon learn to perform them. I cannot but think that more is lost by the long continuance of men in office than can possibly be gained by their experience, and I submit it to your consideration whether the security of the public offices would not be better preserved, industry and economy promoted and the treasury made more safe by limiting the appointments of the heads of bureaus and of clerks to fixed periods and making them ineligible to the same offices thereafter.

In a country where offices are created solely for the benefit of the people one man has no more intrinsic right to an office than another. They are not created to give support to particular men at the expence of the people, but that every citizen may, under the protection of a free and cheap government, acquire by honest industry the means of supporting himself and family. No wrong is done to him who is removed; for the

To balance justly between the interests of the importer of foreign goods, the planter, and the domestic manufacturer, so as to promote equally the ~~interest and industry~~ prosperity of all, is the most difficult operation of Govt, and one rarely accomplished by any system of duties within its reach. & ~~The~~ countervailing measures, rendered necessary in this by the various legislation of the other nations of the world ~~upon the subject~~, assume so many forms according to the exigencies of trade and the numerous circumstances that diversify ~~their~~ its resources and wants, that no uniform & equally favorable effect upon the great interests of any country can be anticipated from ~~such measures~~ them for a long period. Such a blessing can only attend the common consent of the world to dispense with them altogether, and to leave trade to those free and unrestricted channels in which the sagacity and enterprise of individuals, always the best judges of their own interests, would soon harmonize the jarring claims of Agriculture, commerce, and manufactures. But such is not the practice, nor is it likely to become the practice of the nations with whom we have commercial inter-course; and we are bound therefore to accommodate ourselves to that which they maintain in the manner the best calculated to preserve ourselves from injury, and with as little interruption as possible of the equal claims of all the species of our labour to the fostering & protecting

No considerable change has occurred since the last seſsion of Congreſs either in our agriculture, commerce, or manufactures. The operation of our Tariff has not yet proved so injurious to our agriculture and commerce nor so beneficial to our manufactures as by many was expected. Foreign merchants were induced by it to preſs into our market a larger amount than usual of woollen and low priced goods; and many of our own capitalists anticipating largely increased profits upon the same species of domestic fabrics, vested their capital and extended their credit in enlarging the old and creating new manufactories. The natural consequences have followed — a market overstocked — depreſsion of prices, extensive embarraſsment and partial bankruptcy. That such establishments as are based on a solid capital and are prudently managed, will care of the Govt. It is with this view that I call your attention to the present Tariff, some of whose provisions it is believed, require a different modification. The general principle in the graduation of the duties upon articles of foreign growth or manufacture can scarcely be doubted to be that which will bring our own labour as nearly as practicable to an equality with that which is in competition with it. The point of exact equality becomes indispensable where the subject is one of national necessity as a material of war, or one of those primary resources without the cultivation of which in time of peace, a war might deprive us. And the approximations to this point on other articles should be regulated by their character and capacity as subjects ~~of revenue~~ in which all the industry of the country should be regarded as entitled to equal protection: on which account it is important that they should never be ~~touched~~ varied but with the greatest caution and care. Frequent legislation upon the commodities of any branch of industry, affecting its value, or transferring its capital to new occupations is apt to be productive of dangerous speculation, and scarcely ever fails to terminate in seasons of bankruptcy and ruin. On such subjects therefore local feeling, and political prejudice survive the shock and become profitable to their owners there is no reason to doubt.

To balance justly between the interests of agriculture, commerce and manufactures so as to promote equally the prosperity ~~interests~~ of all, is one of the most difficult operations of government. Were the world in a state of perpetual peace and did every government consult the true interests of the human race, no other duty should be laid on the import or export of produce or manufactures than such as are necessary ~~designed~~ solely to furnish a revenue for the support of government. But unhappily we are obliged to anticipate wars and we must always expect selfish legislation in other nations. Not to provide the means of defense within ourselves would be as indiscreet as not to provide a weapon when we know that we shall meet an opposing; and to admit unrestricted the manufactures of a country which excludes by her laws all the products of our labor, would be as imprudent as to purchase clothing of our neighbors who will take in return neither our wool nor our provisions. Of what avail is it to raise produce for which we have no market, and is it not a mockery to tell us you will sell us cheap goods when you know that we have not the means to purchase and refuse even a liberal exchange for the produce of our lands?

In relation to the means of defense a provident nation will ~~not~~ stop short of providing them, if possible, within her own borders. In relation to duties on imports intended to countervail the legislation of foreign nations or promote any species of home manufacture, care should be taken that it does not on the whole produce more injury to one interest than it does good to another. The leading interest of the country is undoubtedly agricultural. ~~It is the~~ basis of every other, to which commerce and manufactures are but auxiliary. To place the auxiliary should be merged in the patriotic determination to ascertain what is the common interest of the country, and as they they affect it, as to treat them -

By referring to the report from the Treasury D. which accompanies this communication, it will be perceived that the revenue of the present year has been progressive. Besides the expenditures on the numerous works of internal improvement authorised by the several acts of congress, and those necessary to the ordinary support of the Govt,

millions have been applied to the reduction of the public debt. The state of our financial concerns exhibits an increase in the resources of the country truly flattering to its enterprise, and auspicious of its safe arrival in a few years to that enviable point from which, free of debt, the energies of the people may be concentrated on those works of improvement which may strengthen the bonds of their union, and establish on b~~ase~~roader foundations their ability for war, and the enjoyments of peace. What part the General Govt may take in these great concerns, is a question already settled as to some, but involved in doubt as to others. All concur in the legitimacy of the appropriations which have been made to the system of maritime defence which is already in progress. And before the leading interest of the country would be as destructive of the public prosperity as it would be unnatural. No wise statesman or real republican wishes to see the farmer made poor that the manufacturer may become rich. ~~I~~ ~~the~~ Many ~~[illegible]~~ honest and able men maintain that such is the effect of the present Tariff. If it be there is not a man among us who would not wish it modified or repealed. In its present form it seems not to be acceptable either to the manufacturer, the merchant or the farmer. I therefore recommend it to your careful revision with a view of adjusting it as far as possible to every interest in the community.

It is hardly necessary in this recommendation to caution you not to overlook the interests of the farmer. It is only as manufactures increase the value of his products and add to his comforts that they are worthy of the fostering care of government. Who could wish to see multitudes of his fellow beings penned in villages and confined in manufactories unless they can produce some essential good to the farming interest which constitutes the bone and sinew of our Republic. It is on the farm and not in towns and workshops, that virtue thrives and freedom looks for supporters. It is to the pure air, the pure morals, the robust bodies and sturdy minds of our farming brethren in the North, the South and the West that we are to look for the preservation of liberty and the perpetuity of our happy institutions. ~~The~~ ~~good~~ ~~statesman~~ From them spring our best soldiers, our purest patriots and our ablest men. The good statesman will not jeopardize their interests for all the manufactories which the thousands of rivers that intersect our country could put in motion.

provision prohibiting the appt of Members of Congress to office ~~xx~~ is not worthy of consideration

~~provision extending the restriction~~ ~~the restriction~~ to ~~members of Congress~~ ~~upon their~~ ~~under any circumstances~~ ~~to office~~ ~~is not worthy the consideration of the people~~.

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Judicial officers, being the depositary of the ~~most~~ important & delicate ~~duties~~ trusts, intended by their permanency to be an effective ~~watch~~ check upon those excitements ~~that~~ which characterise the other ~~arms~~ branches of the Govt, and by their wisdom and independence to be the just and uniform expounders of the laws; have always appeared to me to form a proper exception to the proposed restriction. ~~The power to dispose of life, liberty, & property,~~ such high powers should be in the possession of the greatest experience, the most enlightened reason, and the most unquestioned firmness and honesty; and wherever these qualities are found ~~in the highest perfection~~ no constitutional provision should prevent their ~~appropriate~~ employment. The same reasoning might also include those officers ~~that~~ who compose the cabinet, and the highest grade of ministers to foreign courts, whose relations to the executive and the country are also as important, and involve as many considerations of confidence, together with experience in the course of Public affairs, Habit and temper, that their exception instead of ~~their~~

weakening

was given to him not [illegible] his own [illegible]. He was made an officer that the public good might be promoted. When the public good requires his removal his private interest is not to be consulted. The people have a right to complain when a bad officer is substituted for a good one; but not the removed officer. He has the same means of obtaining a living under the protection of government which are possessed by the millions who never held office. Limited terms would destroy the idea of property in an office now so prevalent, would obviate the clamor about removals and whatever of distress may be produced by them, would give healthful action to the system of government and would promote that rotation in office which constitutes a leading article in the republican creed.

While members of Congress can be constitutionally appointed to offices of profit and trust it will be the practice and perhaps is the duty of the Executive to select them for such stations whenever he honestly believes they will render better service to the public than other citizens. But it would doubtless tend to secure the purity of our government if they were excluded from all appointments to be bestowed by the President whose election they may have promoted. The nature of the judicial offices and the necessity of securing the best talents and experience in members of the Cabinet and the highest grade of foreign ministers, should perhaps, exclude those places from the prohibition.

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~~Fellow-Citizens of the Senate and House of Representatives.~~

~~It affords me pleasure to tender my friendly greetings to you, on the occasion of your aſsembling at the Seat of Government, to enter upon the important duties to which you have been called by the voice of our Countrymen. The task devolves on me, under a provision of the Constitution, to present to you, as the Federal Legislature~~

existing duties will be felt ~~by all~~ as a common benefit; but, like all other legislation connected with commerce, to be efficacious and not injurious, it should be gradual and certain.

The public prosperity is evinced by the increasing revenue arising from the sale of public lands, and by the
steady maintenance of that which
~~smallness of the decrease which, notwithstand-~~
accrues from imports, notwithstanding
~~-ing the immense importations of the last~~
the repeal of the duties on importation,
~~year has occurred in that which is derived~~
and the unusual importations of the
~~from imports.~~ year 1828.

The balance in the Treasury on the first of January 1829 was of Society that they deserve the fostering care of Govt

~~effectually secured, this evil would, in a great measure, be obviated. An authority to construct such houses is therefore, with the proposed alteration of the credits, recommended to your attention.~~

A paragraph added here

~~On an examination of the records of the Treasury, I have been forcibly struck with observing the large amount of public money which appears to be outstanding. Of the sum thus due from individuals to the Government, a considerable portion is, undoubtedly, desperate; and, in many instances, has probably been rendered so by remissness~~

~~West of the Miſsiſsippi, and without the limits of any State or Territory, now formed,~~ off ~~(so remote as to leave room for a range of States on the Miſsiſsippi river) to be guaranteed to the Indian tribes, as long as they shall occupy it; each tribe having a distinct control over the portion designated for its use. There they may be secured in the enjoyment of governments of their own choice, subject to no other control from the United States, than such as may be neceſsary to preserve peace on the frontier, and between the several tribes. There the benevolent may endeavour to teach them the arts of civilization; and, by promoting union and harmony among them, to raise up an interesting commonwealth,~~

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within a convenient time / claim the early attention of Congreſs.

The great and constant increase of busineſs in the Department of State forced itself, at an early period upon the attention of the Executive. Thirteen years ago, it was in Mr Madison's last Meſsage to Congreſs made the subject of an earnest recommendation ~~in Mr Madison's last meſsage to Congreſs~~, which was repeated by both of his succeſsors; and my comparatively limited experience has satisfied me of its justice. It has arisen from many causes, not the least of which is the large addition that has been made to the family of independent nations, and the proportionate extension within a convenient time, claim the early attention of Congreſs.

The great increase of busineſs in the Department of State forced itself, at an early period, on the attention of the Executive. Thirteen years ago, in Mr Madison's last meſsage, it was made the subject of an earnest recommendation which has been repeated by both his succeſsors in office. It arises from many causes; not the least of which, of late years, is the addition that has been made to the family of independent nations, and the proportionate extension of our foreign relations. The

~~remedy proposed, was the establishment of a Home Department; a measure which does not appear to have met the views of Congreſs. Believing that the objection to it arose chiefly from the apprehension that it would favor the already too strong bias of the Federal system towards the exercise of authority not delegated to it, I am not disposed to revive the recommendation. But I am not leſs impreſsed with the neceſsity of enabling the head of that Department to devote more of his time to our foreign relations, by devolving upon some other officer~~

~~the responsibility of many of its local concerns. On its present footing, that Department does not poſseſs the advantages derived by others from subsidiary bureaus. Although averse to the creation of any office not imperiously called for by the public good, I suggest for your consideration the propriety of authorizing the appointment of an Under Secretary of State.~~

~~The Charter of the Bank of the United States expires in 1836, and its stockholders will most probably apply for a renewal of their privileges, in order to~~

①

1st Annual Message

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~~N.P. Trist~~'s fair copy
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inked in by Donelson +
J.

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P

Fellow Citizens of the Senate
and House of Representatives.

It affords me pleasure to
tender my friendly greetings to you on
the occasion of your assembling at the
Seat of Government, to enter upon
the important duties to which you
have been called by the voice of our
Countrymen. ~~As The Federal~~ the task ~~duty~~
devolves on me under a provision of
~~Legislature of twenty four Sovereign~~
the constitution, to present to you as the
~~States, and~~ of ~~twelve millions of happy~~

~~ce Fellow~~
~~upon me, under~~
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~~Constitn. devolves~~
~~that of presenting~~
~~to you &c~~

~~people, the duty devolves on me, under~~
Federal Legislature of Twenty four sovereign
~~a provision of the Constitution to~~
states and Twelve millions of happy people
a view of our affairs and to propose
~~present for your consideration~~ such
~~such~~
measures as, in the discharge of my
official functions
~~office~~, have suggested ~~taken to be~~ themselves, ~~as~~
necessary to promote the objects of our
Union.

official functions

In communicating with you for the first time, it is to me a source of unfeigned satisfaction, calling for mutual gratulation, and devout thanks to a beningn Providence, that we are at peace with all mankind, and that our Country exhibits the most cheering

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evidence of "general welfare" ~~and~~ — progressive improvement. Turning our eyes upon other Nations, our great desire is to see our brethren of the human race secured in the blessings enjoyed by ourselves, and advancing in knowledge, in freedom and in social happiness.

Our Foreign Relations, although in their general character pacific and friendly, present subjects of difference ~~this Government~~ between us and other Powers of deep interest, as well to the country at large, as to many of our Citizens. To effect an adjustment of them, shall [illegible] continue to be ~~as it has hitherto been~~

4.

the object of my earnest endeavours and notwithstanding the difficulties of the task, I do not allow myself to apprehend unfavorable results. Bleſsed as our Country is with every thing ~~that~~ which — constitutes national strength, she is fully adequate to the maintenance of all her interests. In discharging the responsible trust confided to ~~me~~ the Executive, in this respect, it is my settled purpose to ask nothing that is not clearly right, and ~~on the other hand~~ to submit to nothing that is wrong; — and I flatter myself that, supported by the other branches of the Government, and by the intelligence and patriotism

wh

of the People, we shall be able, under the protection of Providence, to cause all our just rights to be respected.

Of the unsettled matters between ~~us~~ the United States and other Powers, the most prominent are those which have, for years, been the subject of negotiation with England, France and Spain: The late period, at which our Ministers to those Governments left the United States, render~~s~~ it impossible, at this early day, to inform you of what has been done on the subjects with which they have been respectively charged. Relying upon the justice of our views ~~of~~ in relation to the points committed to negotiation, and the —

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reciprocal good feeling which characterizes our intercourse with those nations, we have the best reason to hope for a satisfactory adjustment of existing differences.

With Great Britain, alike distinguished in peace and war, we may look forward to years of peaceful, honorable and elevated competition. Every thing in the condition and history of the two Nations is calculated to inspire sentiments of mutual respect, and to carry conviction to the minds of both, that it is their policy to preserve the most cordial relations: such are my own views, and it is not to be doubted that such are also the prevailing —

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sentiments of our constituents. Although neither time nor opportunity has been — afforded for a full developement of the policy which the present Cabinet of Great Britain designs to pursue towards this country, I indulge the hope that it will be of a just and pacific ~~and just~~ character; and if this anticipation be realized, we may look with confidence to a speedy and acceptable adjustment of our affairs.

Under the Convention for regulating the reference to arbitration of the disputed points of Boundary, under the Fifth — Article of the Treaty of Ghent, the proceedings have hitherto been conducted in

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that spirit of candor and liberality which ought ever to characterise the acts of — Sovereign States seeking to adjust, by the most unexceptionable means, important and delicate subjects of contention. The first Statements of the Parties have been exchanged, and the final replication, on our part, is in a course of preparation. This subject has received the attention demanded by its great and peculiar importance to a very patriotic member of this Confederacy. The exposition of our rights, already made, is such, as, from the high reputation of the Commissioners by whom it has been prepared, we had a right to expect. Our interests at the Court of the Sovereign who has

Gov annual message —
Dec 8 1829 —

evinced his friendly disposition, by assuming the delicate task of arbitration, have been committed to a Citizen of the State of Maine, whose character, talents and intimate acquaintance with the subject, eminently qualify him for so responsible a trust. — With full confidence in the justice of our cause, and in the probity, intelligence and uncompromising independence of the _illustrious_ Arbitrator, we can have nothing to apprehend from the result.

From France, our ancient Ally, we have a right to expect that justice which becomes the Sovereign of a powerful, — intelligent and magnanimous People.

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The beneficial effects produced by the commercial convention of 1822, limited as are its provisions, are too obvious not to make a salutary impression upon the minds of those who are charged with the administration of her Government. Should this result induce a disposition to embrace, to their full extent, these wholesome principles which constitute our commercial policy, our minister ~~to that court~~ will be found instructed to — cherish ~~that~~ such a disposition, and to aid in conducting it to useful practical conclusions. The claims of our citizens for depredations upon their property, long since committed under the authority, and in many instances, by the expreſs direction, of the then existing Government of France, remain unsatisfied, and must, therefore, continue to furnish a subject of unpleasant discuſsion, and poſsible collision between the two Governments. I cherish, however, a lively hope, founded as well on the validity of those claims, and the established policy of all enlightened governments, as on the known integrity of the French Monarch, that the injurious delays of the past will find redreſs in the equity of the future. Our Minister has been instructed to preſs these demands on the French Government, with all the earnestness which is called for by their importance and irrefutable justice, ~~but~~ and in a spirit that will ~~make~~ evince the respect which is due to the feelings of those from whom the satisfaction is required.

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Our minister recently appointed to Spain, has been authorized to assist in removing evils alike injurious to both countries, either by concluding a Commercial Convention upon liberal and reciprocal terms, or by urging the acceptance, in their full extent, of the mutually beneficial provisions of our navigation acts. He has also been instructed to make a further appeal to the justice of Spain, in behalf of our citizens, for indemnity for spoliations upon our commerce, committed under her authority — an appeal which the pacific and liberal course observed on our part, and a due confidence in the honor of that Government authorize us to expect will not be made in vain.

With other European Powers, our intercourse is on the most friendly footing. In Russia, placed by her territorial limits, extensive population, and great power, high in the rank of nations, the United States have always found a steadfast friend.

although her recent invasion of Turkey awakened a lively sympathy for those who were exposed to ~~suffer from~~ the desolations of war, we cannot but anticipate that the result will prove — favorable to the cause of civilization, and to the progress of human happiness. — Assuming that the Treaty of peace between these Powers, as published, has been ratified, we cannot be insensible to the great benefit to be derived to the commerce of the United States, from unlocking the navigation of the Black Sea, a free passage into which is secured to all merchant vessels bound to ports of Russia, under a flag at peace with the Porte. This advantage ~~hitherto~~ enjoyed, upon conditions, by most of the Powers of Europe, has hitherto been withheld from us. During the past summer, an ~~antecedent, but~~ unsuccessful, attempt to obtain ~~this~~ it — ~~privilege~~ was renewed ~~made~~ ~~revived~~ under circumstances which ~~at the time~~ promised the most favorable results. Although these results have fortunately been thus in part attained ~~anticipated~~, further facilities to the enjoyment of this new field for the enterprise of our Citizens, ~~are~~ ~~possess~~, in my opinion, sufficiently ~~desirable~~ ~~an important~~ ~~that should~~ to insure to them our most zealous attention.

Our trade with Austria, although

of secondary importance, has been gradually increasing, and is now so extended as to deserve the fostering care of the Government. A negotiation commenced, and nearly completed, with that Power, by the late Administration, has been consummated by a Treaty of Amity, Navigation and Commerce which will be laid before the Senate.

During the receſs of Congreſs, our diplomatic relations with Portugal have been resumed. The peculiar state of things in that country caused a suspension of the recognition of the Representative who presented himself from ~~fr~~ [illegible], until an opportunity was had to obtain from ~~[illegible]~~ our official organ there, information regarding the actual, and, as far as practicable, prospective, condition of the authority by ~~whom~~ which the representative in question was appointed. This information being received, the application of the established rule of our Government, in like cases was no longer withheld.

Considerable advances have been made, during the present year, in the adjustment of claims, of our citizens upon Denmark ~~by our citizens~~, for spoliations; but all that we have a right to demand from that Government, in their behalf, has not yet been conceded. From the liberal footing, however, upon which this subject has, with the approbation of the claimants, been placed by that Government, together with the uniformly just and friendly disposition ~~which has been~~ evinced by His Danish Majesty, there is a reasonable ground to hope that this single subject of difference ~~with that government~~ will speedily be removed.

Our relations with the Barbary Powers continue, as they have long been, of the most favorable character. The policy of keeping an adequate force in the Mediterranean, as security for the continuance of this tranquillity will be persevered in, as well as a similar one for the protection of our commerce and fisheries in the Pacific.

19.

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[~~Wanting practice in the science of self government~~], The southern republics of our own Hemisphere have not yet realized all the advantages for which they have been so long struggling. We trust, however, that the day is not far distant when the restoration of peace and internal quiet, under permanent systems of Government securing the liberty, and promoting the happiness of the Citizens, *

~~may~~ ~~will enable us to salute them as brethren~~ ~~to salute them~~ ~~in principle, and friendly rivals in all that is truly great and glorious~~.

The recent invasion of Mexico, and the effect thereby produced upon her

17

x#

[~~Wanting practice in the science of self government~~], The southern republics of our own Hemisphere have not yet realized, all the advantages for which they have been so long struggling. We trust, however, that the day is not ~~far~~ distant when the restoration of peace and internal quiet, under permanent systems of Government securing the liberty, and promoting the happiness of the citizens,*

~~may will enable us to salute them as brethren~~

~~them y rivals in all~~

glorious.

ession of Mexico, and

whereby produced upon her

*will crown with complete success their long and arduous efforts in the cause of self government and enable us to salute them as friendly rivals in all that is truly great & glorious ~~great~~

~~and good~~

domestic policy must have a controling influence upon the great question of South-American emancipation - We have seen the fell spirit of civil dissention rebuked, and, perhaps, for ever stifled, ~~subdued~~ in that Republic, by the love of independence. If it be ~~indeed~~ true, as appearances ~~so~~ strongly indicate, that the spirit of Independence is the master spirit, and if, ~~as is reasonable to suppose~~, a corresponding ~~the same~~ sentiment prevails in the other States, this devotion to liberty cannot be without a proper effect upon the councils of the mother country. The adoption by Spain of a pacific policy towards her former Colonies, -

21.

an event ~~which ought not [illegible]~~ consoling to humanity, and a blessing to the world, ~~[illegible]~~ in which she, herself, ~~[illegible]~~ cannot fail largely to participate, may ~~now~~ be most reasonably ~~[illegible]~~ expected.

The claims of our Citizens upon the South American Governments, generally, are in a train of settlement, while the principal part of those upon Brazil have been adjusted; and a Decree in Council ordering bonds to be issued by the Minister of the Treasury for their amount, has received the sanction of ~~been sanctioned by~~ His Imperial Majesty. This event, together with the exchange of the ratifications of the Treaty negotiated and concluded in 1828, happily terminates all serious causes of difference with that ~~highly respectable~~ Power.

Measures have been taken to place our commercial relations with Peru upon a better footing than that upon which they have hitherto rested; and, if met by a proper disposition on the part of that Government, important benefits ~~a trade of great value~~ may be secured to both Countries.

Deeply interested as we are in the prosperity of our sister republics, and more particularly in that of our immediate neighbour, it would be most gratifying to me were I permitted to say that the treatment which we have received at her ~~their~~ hands has been as uniformly ~~universally~~ friendly as the early and constant solicitude manifested by the United States for ~~their success~~ her success gave us a right to expect. But it becomes my duty to inform you that prejudices, long indulged by a portion of the inhabitants of Mexico against the Envoy Extraordinary and Minister Plenipotentiary of the United States, have had an unfortunate influence upon the affairs of the two Countries, and have diminished that usefulness to his own which was justly to be expected from his talents and zeal. To this cause, in a great ~~measure~~ degree is to be imputed the failure of several measures equally interesting to both

Parties; but, particularly, that of the Mexican Government to ratify a treaty — negotiated and concluded in its own Capital, and under its own eye. Under these circumstances, it appeared expedient to ~~refer~~ give to ~~to~~ Mr Poinsett the option either to return or not, as, in his judgment, the interest of his country might require, and instructions to that end were prepared; but before they ~~were~~ could be despatched, a communication was received from the Government of Mexico, through its Chargé d'Affaires here, requesting the recall of our minister. — This was promptly complied with; and a representative of a ~~grade~~ rank corresponding with that of the Mexican diplomatic agent near this Government, was appointed. Our conduct towards that Republic has been uniformly of the most friendly character; and having thus removed the only alleged obstacle to harmonious intercourse, I cannot but hope that an advantageous change will occur in our affairs.

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In justice to Mr Poinsett, it is proper to say, that my immediate compliance with the application for his recall and the appointment of a successor are ~~is~~ ~~are~~ not to be ascribed to any evidence that the imputation of an improper interference by him in the local politics of Mexico was well founded, nor to a want of confidence in his talents or integrity; and to add that the truth of that charge has never been affirmed by the Federal Government of Mexico in its communications with this.

~~nor did the recall proceed from any want of confidence in his talents & integrity~~

(8) For. Affs.

1st Annual Message

Fair copy by N.P. Trist,

Pencil Correctns by A. Kendall (?)

inked in by A.J.D.

With correctns. Final text

Printer's copy

10 sheets

65

~~35~~

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Towers

Fellow Citizens of the Senate and House
of Representatives,

It affords me pleasure to tender my friendly greetings to you on the occasion of your assembling at the seat of Government, to enter upon the important duties to which you have been called by the voice of our Countrymen. The task devolves upon me, under a provision of the Constitution to present to you as the Federal Legislature of Twenty four Sovereign States and Twelve Millions of happy people, a view of our affairs; and to propose such measures as, in the discharge of my official functions, have suggested themselves as necessary to promote the objects of our Union.

In communicating with you for the first time, it is to me a source of unfeigned satisfaction, calling for mutual gratulation and devout thanks to a benign Providence, that we are at peace with all mankind, and that our Country exhibits the most cheering evidence of general welfare and progressive improvement. Turning our eyes

+ eyes ~~upon~~ to other Nations, our great desire is to see our brethren of the human race secured in the blessings enjoyed by ourselves, and advancing in Knowledge, in freedom and in social happiness.

2

Thompson

Our Foreign Relations, although in their general character pacific and friendly, present subjects of difference between us and other Powers of deep interest, as well to the country at large, as to many of our citizens. To effect an adjustment of these shall continue to be the object of my earnest endeavours; and notwithstanding the difficulties of the task, I do not allow myself to apprehend unfavorable results. Blessed as our country is, with every thing which constitutes national strength, she is fully adequate to the maintenance of all her interests. In discharging the responsible trust confided to the Executive in this respect, it is my settled purpose to ask nothing that is not clearly right, and to submit to nothing that is wrong; and I flatter myself, that, supported by the other branches of the Government, and by the intelligence and patriotism of the People, we shall be able, under the protection of Providence, to cause all our just rights to be respected.

Of the unsettled matters between the United States and other Powers, the most prominent are those which have, for years, been the subject of negotiation with

England,

England, France, and Spain: the late periods at which our ministers to those Governments left the United States, render it impossible, at this early day, to inform you of what has been done on the subjects with which they have been respectively charged. Relying upon the justice of our views in relation to the points committed to negotiation, and the reciprocal good feeling which characterizes our intercourse with those nations, we have the best reason to hope for a satisfactory adjustment of existing differences.

03

With Great Britain, alike distinguished in peace and war, we may look forward to years of peaceful, honorable and elevated competition. Every thing in the condition and history of the two nations is calculated to inspire sentiments of mutual respect, and to carry conviction to the minds of both, that it is their policy to preserve the most cordial relations: Such are my own views, and it is not to be doubted that such are also the prevailing sentiments of our Constituents. Although neither time nor opportunity has been afforded for a full developement of the policy which the present Cabinet of Great Britain designs to pursue towards this country, I indulge the hope that it will be of a just and pacific character; and if this anticipation be realized, we may look with confidence to a speedy and acceptable adjustment of our affairs.

Under

Under the Convention for regulating the reference to arbitration of the disputed points of Boundary under the Fifth article of the Treaty of Ghent, the proceedings have hitherto been conducted in that spirit of candor and liberality which ought ever to characterize the acts of Sovereign states, seeking to adjust, by the most unexceptionable means, important and delicate subjects of contention. The first statements of the Parties have been exchanged, and the final replication on our part, is in a course of preparation. This subject has received the attention demanded by its great and peculiar importance to a very patriotic member of this confederacy. The exposition of our rights, already made, is such, as from the high reputation of the Commissioners by whom it has been prepared, we had a right to expect. Our interests at the Court of the Sovereign who has evinced his friendly disposition by assuming the delicate task of arbitration, have been committed to a Citizen of the State of Maine, whose character, talents and intimate acquaintance with the subject, eminently qualify him for so responsible a trust. With full confidence in the justice of our cause, and in the probity, intelligence and uncompromising independence of the illustrious Arbitrator, we can have nothing to apprehend from the result.

From

The Library of Congress

Bruce 4

From France, our ancient ally, we have a right to expect that justice which becomes the Sovereign of a powerful, intelligent and magnanimous People. The beneficial effects produced by the commercial convention of 1822, limited as are its provisions, are too obvious not to make a salutary impression upon the minds of those who are charged with the administration of her Government. Should this result induce a disposition to embrace, to their full extent, the wholesome principles which constitute our commercial policy, our minister to that Court will be found instructed to cherish such a disposition, and to aid in conducting it to useful practical conclusions. The claims of our Citizens for depredations upon their property, long since committed under the authority, and, in many instances, by the express direction, of the then existing Government of France, remain unsatisfied; and must, therefore, continue to furnish a subject of unpleasant discussion and possible collision between the two Governments. I cherish, however, a lively hope, founded as well on the validity of those claims and the established policy of all enlightened governments, as on the known integrity of the French Monarch, that the injurious delays of the past will find redress in the equity of the future. Our minister has been instructed to press these demands on the French Government, with all

✓ all the earnestness which is called for by their importance, and irrefutable justice, and in a Spirit that will evince the respect which is due to the feelings of those from whom the satisfaction is required.

5

Bryan

Our Minister recently appointed to Spain, has been authorized to assist in removing evils alike injurious to both countries, either by concluding a Commercial Convention upon liberal and reciprocal terms, or by urging the acceptance in their full extent, of the mutually beneficial provisions of our navigation acts. He had also been instructed to make a further appeal to the justice of Spain, in behalf of our Citizens, for indemnity for spoliations upon our commerce, committed under her authority — an appeal which the pacific and liberal course observed on our part, and a due confidence in the honor of that Government authorize us to expect will not be made in vain.

With other European Powers, our intercourse is on the most friendly footing. In Russia, placed by her territorial limits, extensive population, and great power, high in the rank of nations, the United States have always found a steadfast friend. Although her recent invasion of Turkey awakened a lively sympathy for those who were exposed to the desolations of war, we cannot but anticipate that the result will prove favorable to the

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cause of civilization and to the ~~cause~~ progress of human happiness. ~~Allowing~~ ~~that~~ The Treaty of peace between these Powers, having ~~at publication, had~~ been ratified, we cannot be insensible to the great benefit to be derived ~~to~~ by the commerce of the United States, from unlocking the navigation of the Black Sea, a free passage into which is secured to all merchant vessels bound to ports of Russia, under a flag at peace with the Porte. This advantage, enjoyed upon conditions, by most of the Powers of Europe, has hitherto been withheld from us. During the past summer, an antecedent but unsuccessful attempt to obtain it ~~the permission~~ [illegible] was renewed under circumstances which promised the most favorable results. Although these results have fortunately been thus in part attained; further facilities to the enjoyment of this new field for the enterprize of our citizens are, in my opinion, [illegible] desirable [illegible] to those our most [illegible]

6 Cole

Our trade with Austria, although of secondary importance, has been gradually increasing, and is now so extended as to deserve the fostering care of the Government. A negotiation commenced and nearly completed with that Power, by the late administration, has been consummated by a Treaty of amity, Navigation and Commerce which will be laid before the Senate.

During the recess of Congress, our diplomatic relations with Portugal have been resumed. The peculiar State of things in that Country caused a Suspension of the recognition of the Representative who presented himself, until an opportunity was had to obtain from our official organ there, information regarding the actual, and as far as practicable, prospective, condition of the authority by which the representative in question was appointed. This information being received, the application of the established rule of our Government, in like cases, was no longer withheld.

Considerable advances have been made, during the present year, in the adjustment of claims of our citizens upon Denmark for Spoliations; but all that we have a right to demand from that Government, in their behalf, has not yet been conceded. From the liberal footing, however, upon which this Subject has, with the approbation of the claimants, been placed by that Government, together with the uniformly just and friendly disposition which has been evinced by His Danish Majesty, there is a reasonable ground to hope that this Single subject of difference, will Speedily be removed.

ment, together with the uniformly just and friendly disposition which has been evinced by His Danish Majesty, there is a reasonable ground to hope that this single subject of difference, will speedily be removed.

Our relations with the Barbary Powers continue, as they have long been, of the most favorable character. The policy of keeping an adequate force in the Mediterranean, as security for the continuance of this tranquillity, will be persevered in, as well as a similar one for the protection of our commerce and fisheries in the Pacific.

Brown

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9

The Southern republics of our own Hemisphere have not yet realized all the advantages for which they have been so long struggling. We trust, however, that the day is not distant when the restoration of peace and internal quiet, under permanent systems of government securing the liberty, and promoting the happiness of the Citizens will crown with complete success their long and arduous efforts in the cause of self government; and enable us to salute them as friendly rivals in all that is truly great & glorious.

The recent invasion of Mexico, and the effect thereby produced upon her domestic policy, must have a controling influence upon the great question of South American emancipation. We have seen the fell spirit of civil dissension rebuked, and, perhaps, for ever stifled in that Republic, by the love of independence. If it be true, as appearances strongly indicate, that the spirit of Independence is the master spirit; and if a corresponding sentiment prevails in the other States, this devotion to liberty cannot be without a proper effect upon the councils of the mother country. The adoption by Spain, of a pacific policy towards her former Colonies — an event consoling to humanity, and a blessing to the world in which she ✓ herself, ~~could~~ cannot fail largely to participate — may be most reasonably expected.

The

Piatt

8

10

The claims of our Citizens upon the South American Governments, generally, are in a train of Settlement; while the principal part of those upon Brazil have been adjusted, and a Decree in Council ordering bonds to be issued by the Minister of the Treasury for their amount, has received the Sanction of His Imperial Majesty. This event, together with the exchange of the ratifications of the Treaty negotiated and concluded in 1828, happily terminates all Serious causes of difference with that Power.

Measures have been taken to place our commercial relations with Peru upon a better footing than that upon which they have hitherto rested; and, if met by a proper disposition on the part of that Government, important benefits may be secured to both countries.

Deeply interested as we are in the prosperity of our Sister republics, and more particularly in that of our immediate neighbour, it would be most gratifying to me, were I permitted to say that the treatment which we have received at her hands has been as universally friendly as the early and constant Solicitude manifested by the United States for her Success, gave us a right to expect. But it becomes my duty to inform you that prejudices long indulged by a portion of the inhabitants of Mexico against the Envoy Extraordinary and Minister Plenipotentiary

potentiary of the United States, have had an unfortunate influence upon the affairs of the two Countries, and have diminished that usefulness to his own which was justly to be expected from his talents and zeal. To this cause, in a great degree, is to be imputed the failure of several measures equally interesting to both parties; but particularly that of the Mexican Government to ratify a Treaty negotiated and concluded in its own Capital, and under its own eye. Under these circumstances, it appeared expedient to give to Mr Poinsett the option either to return or not, as, in his judgment, the interest of his country might require; and instructions to that end were prepared: but before they could be despatched, a communication was received from the Government of Mexico, through its Chargé d'Affaires, here, requesting the recal of our minister. This was promptly complied with; and a representative of a rank corresponding with that of the Mexican diplomatic agent near this Government, was appointed. Our conduct towards that Republic has been uniformly of the most friendly character; and having thus removed the only alleged obstacle to harmonious intercourse, I cannot but hope that an advantageous change will occur in our affairs.

Brown

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for his recal and the appointment of a successor are not to be ascribed to any evidence that the imputation of an improper interference by him in the local politics of Mexico was well founded, nor to a want of confidence in his talents or integrity; and to add that, the truth of that charge has never been affirmed by the Federal Government of Mexico in its communication with this.

1st Annual Message

Conclusn – final
D. – corrects:

[illegible]

I now commend you fellow citizens to the guidance of Almighty God; with a full reliance on his merciful Providence for the maintenance of ~~in upholding~~ our free institutions; and with an earnest supplication that whatever errors it may be my lot to commit, in discharging the arduous duties which have devolved on me, will find a remedy in the harmony and wisdom of your councils

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peculiar training requisite for it

1st Annual Message ①

Draft of

by A. J.!

[Incomplete]

⑥ sheets

6

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No. 1 –

It affords me pleasure to congratulate you on your safe arrival at this city, to enter

and I offer up to the almighty ruler of the univer my fervent thanks for the peace and prosperity he has been pleased to bestow upon our favored country, and implore him at a throne of grace for a continuation of these blessings, and that he may endow by his spirit the counc of the nation with wisdom to discern, and united harmony to enact all laws that may tend to promote the prosperity of his kingdom, and the best interests of the union.

shall be my constant anxiety to maintain with foreign nations. Acting upon what is known to be the wishes of the people of this country, I have not failed to offer in their behalf the assurance of an earnest desire to cultivate a good understanding and to maintain peace & friendship with all.

The late period at which our ministers to England & France left the U. States, which on several accounts was unavoidable, places it out of my power, at this early period, to communicate what

No. 1 —

It affords me pleasure to congratulate you on your safe arrival at this city, to enter upon a discharge of these important duties which have, been assigned by your country. # In communicating with you for the first time, since I entered upon the ~~station~~ execution of those high trusts which the people of the Republic have confided to me, it gives me great satisfaction to state, that nothing ~~that nothing~~ has arisen to interrupt those friendly relations which it is our policy & shall be my constant anxiety to maintain with foreign nations. Acting upon what is known to be the wishes of the people of this country, I have not failed to offer in their behalf the assurance of an earnest desire to cultivate a good understanding and to maintain peace & friendship with all.

The late period at which our ministers to England & France left the U. States, & which on several accounts was unavoidable, places it out of my power, at this early period, to communicate what has been done, on the matter of negotiation which have been directed to be brought to the consideration of their governments respectively: relying however upon the justice of the applications submitted, and on the reciprocal good feelings which are believed to be cherished, a hope is entertained that every thing may finally terminate in a manner satisfactory to all. — At home there has been nothing to produce disquiet: every where peace & harmony has prevailed.

Acting in obedience to the requirements of the constitution to advise you from time to time of the State of the Union, I cannot forbear to bring to your consideration, as first in importance, the propriety of so amending the constitution of the U. States, as ~~that~~ the choice of the chief Magistrate of the country shall in no wise or in any event devolve upon the House of Representatives. After the numerous able discussions, which have taken place upon this subject on the floor of Congress & elsewhere, I might be ~~pardoned~~ excused for something any thing in detail on the subject; to enforce its necessity.

The government of the U. States was one of experiment; opening for the contemplation of more new and untried principles. Differing so widely from all other ~~modes~~ codes and forms which had preceded it, it was not to be expected that the system could be at once rendered perfect; the greatest cause of wonder is, that in a theory so new our success should have been so ample! From time to time as the science of our government is improved, disclosing to us imperfections not previously anticipated, does it become our imperative duty; to guard & strengthen our posts that every obstacle, or even expected danger may be avoided. A country so prosperous, a government so well calculated to secure the happiness of the people, should leave nothing to chance and accident, but carefully guard every avenue, through which possibly danger may be anticipated

There is no point at which, perhaps, we are more at risk, than in the choice of a chief magistrate; and none at which through given ~~[illegible]~~ ~~ought to~~ should be interposed. Looking to the nature, * to the character, & feelings of the american people, one thing seems evident, that watchful and jealous of their rights, as they ever should be, they will never be satisfied with any ruler who is not the selection & choice of themselves; and he will never fail to have an unpleasant administration, who may obtain the direction of our national affairs, by any other means, than the free, unbiased opinions of the people. Now one single individual of the House of Representatives to give a decision in behalf of a million of peoples, which frequently may be done, apart from the suggestions of a sound judgment, can seldom fail to create suspicion, jealousy, & distrust in the minds of a people vigilant and attentive to the maintenance of their own rights. It is submitted therefore, to the consideration of Congress to devise some mode by which this evil may be remedied for the future. It is due to the people to place this subject before them for decision, while it should be a matter

of solicitude to the ~~the~~ representatives in congress to remove
from them the exercise of a trust
which is well calculated, to expose them
to censure & reproach. The people, it is believed,
desire this change to take place. the [illegible]
quiet & interest of the country evidently
demand it. Composed as our confederacy
is, of so many independent States, & worthy
intelligent & qualified men individually, it is a
reasonable inference, that in some
future time, many, the favorites of
particular sections of our Country, may
be urged as candidates so that a majority
of the whole people will seldom or ever be
obtained; but if after the first trial
~~a~~ failure shall take place, let the
amendment of the constitution be
so framed as to demand a reference, and a
sufficient notice given of the two highest
on the list, again to the people; & on
this second attempt the decision will
be certain. .... Connected with this
subject, and which might be embraced as
part of the amendment, is that of securing
to the people the privilege of voting imme-
diately, & by name, for the person pro-
-posed for chief Magistrate. A fair ex-

expression of the public will, free from ~~[illegible]~~ management, is of the highest importance in popular ~~el~~elections. Elections lose their value & purity, if by intrigue or fraud, the priviledge of voting may be so affected as by possibility to change the result, & impose thereby the choice of the elector, there can be neither propriety or necessity, in requiring that to be performed by an ~~other~~ agent, which can be as well done by the party himself at the polls.

But should Congress entertain adverse sentiments on this subject, & be indisposed to submit, these salutary alterations to the examination of the people, then it is worthy to be considered, if, in future when the question who shall be chosen president, is submitted ~~to~~ & decided upon in the House of Representatives, it should not be prohibited to every one, being a member of that congress, from holding during the administration any office, whatever, of profit or trust, whereby to remove from them every ~~thing of~~ suspicion or imputation, ~~that~~ his Representative vote was given from improper motives —

–through considerations of self alone.

Resting in connection with this subject, is another worthy of particular examination; it is to limit the service of the President of the U. States to a single term; whether of 4 or 6 years seems not material; the latter might perhaps be preferable, as corresponding with the terms of service for which the Senate are chosen. The chief Magistrate of a free people should never be found seeking & manoeuvring to possess himself of the office. Full of care & responsibility, the merit of its possession is taken away, when obtained thro any channel or means, other than the voluntary expression of the peoples will – When any shall be thus selected, and the constitution of the country, inhibit an extension of the trust beyond a single term, every thing of management & intrigue will be removed and an honorable hand a faithful discharge of the duties confided, will alone have influence & constitute his motive of action.

Nor is it, ~~alone~~ that the term of the chief Magistrate only should be limited; it occurs to me, as another worthy of re=

-plication of every office bestowed by the
Genl government even the clerks in the Depts should
not by some Legislative enactment be
limited in their term. It has heretofore
been the case, that the incumbents of office
have ~~not~~ looked to the possession as tem-
-porary, but that in which they had an
absolute unqualified property; a general
opinion has partially gotten up for the
same reason, tending to produce improper
& censure & unfair impressions on the public
mind. One of the leading features in our
government wherein it differs from a-
-thers, is, that no man was made for office,
& offices created for individuals; encourage
the idea, thro force of public sentiment,
that an individual is entitled of right
to his place, & that to remove him is
cause of censure, and the effects ex-
-ample presently to be produced
may prove highly injurious to the
pure principles of our government.
To declare by law that offices shall continue
for life, or during good behaviour, would
be contrary to our free institutions, &
stern opposition would at once ensue,
as the consequence; but in what consists
the difference, between a law producing
such a result, and that course of thought &
action, which shall permanently ~~produce~~ constitute
public opinion, more difficult of re-
-peal, & change, than even legal enactment.
&c.

3d

To counteract this too prevailing sentiment, and
to preserve the government from that
clamour & censure which is ever
attendant on removals, I suggest, whe-
ther it would not be well to declare
that the offices shall become ~~vacant~~
at stated periods, whereby the automatically faithless
& undeserving might quietly retire,
and the honest more worthy & well
qualified, be relieved by reappoint-
ment. The effect would be to restrain in
a great degree ~~some token~~ a feeling always
~~the~~ the effects of ~~removals~~ to open some-
thing ~~of~~ like rotation in office, and to in-
duce ~~to~~ that economy which would
arise from the certainty that the
tenure of office in this country is
not to be considered as permanent.

There is another subject ~~of feature~~ which
I avail myself of ~~the~~ occasion thus pre-
sented to bring to the consideration
of Congress, that ~~they~~ it may determine
upon the propriety of submitting it
as a further amendatory provision
The framers of our constitution

were sensible of the necessity of preserving to the uttermost the purity of Congress. Acting upon this, they prohibited any member from being eligible to the holding of an office which had been created, or the emoluments of which had been increased, during the period for which he was elected: but it did not proceed far enough and that deficiency ought now to be remedied.

The opinion by me formerly entertained & expressed, was that members representing the interests of the states & people, in the general government during the period for which they were elected, should be excluded from every office except such as pertained to the Judiciary. A post where life, liberty & property were to be adjudged & disposed of, did not appear to be one, which should stand under any restriction whatever; but be left open for selection of the best talents the country could furnish. There are other offices which from their character and importance might merit the same exception The Cabinet of the Executive, which is to be con-

=nected his Staff, should be selected not alone on account
of intelligence, but from such know=
=ledge of them, as that they might
deserve & receive in all things his entire
confidence. The selection of ministers
to foreign Courts ought to be made in
reference to the same considerations—
Of what avail would it be— what be=
=nefit or service could be derived, if
charged with our countrys interest
abroad ~~[illegible]~~ our ministers should be
wanting in proper zeal; or that the
~~entire~~ confidence which should
exist between them & the chief magis=
=trate of the country could not be repo=
=sed. For such places & such offices,
~~nothing~~ no restriction should be
imposed; the country and a proper
representation of its interest demands
that the Executive should have affor=
=ded to him the widest range for the
selection of talents, & such other qua=
=lifications as would meet his
unqualified approval. These are
my opinions in reference to the duties which lie
before me. The zeal which is felt, that
nothing may be done, or omitted,
which may secure to posterity that
form of government, & those blessings,
which we are possessed of, urges me to the

suggestion. Ardently desiring that our institutions may permanently endure; and being without any thing of motive or self to serve, I shall omit no occasion to declare candidly & freely whatsoever views & opinions I may entertain calculated to afford security to those high priveledges of government we enjoy.

With the exceptions here suggested would it not be wise & proper by constitutional provision, to restrain members of congress during the term for which they shall be elected, from holding any office whatever within the gift of the president— The necessity of extending the inhibition to a period beyond their term of service ~~will~~ be wholly taken away, if the right of deciding in future the presidential election, be taken ~~away~~ from the House of Representatives. Such a restriction will produce the effect, which every true patriot should desire. Congress is the great source, whence emanates arrangements for the important defences of the country at large. They are the practical expounders of the constitution, as to those powers which may be exerted & enforced

by the general government of the States composed of men
standing aloof from any ~~thing~~ si-
motive, & looking only to a correct
discharge of their duties, they will prove
a staff of reliance & security; but a sed
of affection to their country & were
to be influenced by selfish considera-
tions. The interposed checks & balances,
of our constitution have wisely establish
ed, that the different functionaries of
the government shall be left distinct
& separate, each acting independently
in his own particular sphere. To main
tain that purity, the president ought
to be denied the priviledge of offering
office ~~to~~ members whereby in some
future time inducements may
be offered to swerve them from a
faithful performance of duty
to their constituents, and their country
As you value liberty, & hope to transmi
it to your children, let the legislative
hall of the country, be maintained
pure, and ever free from temptation;
while this shall be the case, dangers
to our free institutions may be
talked of, & may be anticipated; but

need never to be feared: it is avarice, & selfishness, and the evils consequent therefrom, in our public men, which extending their corrupting influence to the people, is to be feared, dreaded, & avoided. For myself I am now advanced in years, with a constitution enfeebled by those days & nights of toil, & watchfulness, which in the prime of life I encountered for my country. I am not a father, only by adoption, to be concerned for the fate of my children. No other wish on this side the grave remains to me, [illegible] but that my country may be prosperous, & happy, and that she may have preserved to her, her liberties ~~and~~ union pure forever.

It is proper to call your attention to the Tariff of 1828, regulating the duties on imports with a view to the enquiry if its provisions and details, are not of a character, to impair, rather than foster the great interests of this country. If nations could be brought to adopt a free & friendly intercourse & interchange, of the labours & industry of each other, very many of the inconveniences arising from duties on imports, would be avoided! but as this is not the case, nor probably can never be rendered so, we have no other means left, of securing to our citizens a fair competition than to impose on the labour of other nations, burthens, similar, or equal to that which they impose on ours. It is in this view, upon the principle of fair retaliation that one nation when its labour is taxed, must retort a similar imposition upon its exacting neighbor. This principle however should be operated with proper guards & limitations. So far as the duties to be imposed on articles of foreign growth or manufactures are needful in producing ~~[illegible]~~ equality between the labor of this & other countries so far a healthy action to the community may be the consequence; but to exceed that, is to produce injury. The tariff being one of those important & difficult subjects of legislation which in every change of its provisions, gives rise to speculations and produces to some class of our citizens injury should be seldom approached, and then always with

~~[illegible]~~ deliberation, & harmony & apart from every thing but regard for the mutual benefit of the whole united states: at such a moment, & on such a subject local feelings, & political prejudices, should be merged in the important enquiry, What does the public ~~good~~ interest, & the general good require?

By refering to the report from the Treasury Department which accompanies this communication it will be percieved that the revenue of the present year has been progressive.

Besides the expenditures on numerous works of internal improvement in progress under the direction of the several acts of Congress, and meeting the ordinary expences of the Govt. there has ~~[illegible]~~ been paid during the year twelve [illegible]ons of principle & interest of the public debt discharged. This state of the finance may be expected to continue. With a progressive increase of population, & a commerce that finds its way into every sea, our prosperity will require no other aid, than that which leaves the citizen untrammelled & free to pursue his interest, where his enterprise may open the way - with these facts before us, the certainty is presented, that in a few years preserved in a state of peace, we shall present this marvellous..

picture to the world, a nation free from debt, and
capable of applying all its resources to
the great ends & purpose, of executing
those interior improvements, and
maritime defences which in peace
will constitute the prosperity, & in war,
the defence & safety of the country:
over the one, the constitutional power
~~[illegible]~~ of Congress to act is not contested & hence
may be proceeded in, as ~~[illegible]~~ propriety &
necessity may ~~[illegible]~~ require, free
from those objections, which have
affected the other. B+.

~~The [illegible]~~ fact cannot be denied, that
there are certain great undertakings of
a national character, calculated to interest
the whole country. The public debt discharged, the finances of the country within
limited periods may be considered fully
adequate to the ~~beginning~~ commencement & completion
of such B3 ~~[illegible]~~ of great im=
~~portance~~. But in what mode shall
this be effected? Hitherto a portion of the
community questioned even the expediency
of such undertakings, there is another which
proceeds upon the ground, that it is one of
the ~~[illegible]~~ ungranted powers, & hence
not within the competency of Congress to
be exercised. Added to this, as a third class

B3 of such great national works of internal improvement in
which the whole nation are interested & which may be con=
=sidered entirely national and of first importance to its
prosperity.

of objections presented, that the agency of Congress in such matters, may have a tendency to impair that independence, & freedom of thought & action so essential to wholsome legislation. In this aspect of the question, it behoves us to consider in what manner, objects so desirable, may be attained without violence to the feelings of those, who may be influenced; either by [illegible] [illegible] constitutional scruples, or objections, arising ~~in~~ on the score of expediency. It will become a question for deliberation, if some other better, & more harmonising mode cannot be devised by the Representatives of the States, & the people respectively. #

After your tariff law, shall be considered, & judiciously arranged, in reference to those principles already suggested, it is a matter not to be questioned, that our public debt being paid, there will remain a surplus in the Treasury. In this situation of things, should the constitution be found to sanction the exercise of the power, would it not be salutory to make such apportionment of the surplus revenue amongst the States, for the purpose of internal improvement as may be found to be, a fair, federal & ~~useful~~ just disposition of it. One essential benefit to result from such a disposition, ~~[illegible]~~ would be to create within the States respectively, an expenditure somewhat in proportion to the public demands made upon them and remove thereby, much of the [illegible] complacency which now exists as to an unequal distribution amongst them. Above all, those temptations, which must arise to members from local influence, & which it should be desirable to be relieved from, will be avoided.

~~[illegible]~~ The condition of the Indians within the limits of the U. States is of a character to awaken our sympathies, & induce the enquiry if something cannot be done to better their situation. The policy of the government has been gradually to open to them the ways of civilization, ~~and~~ from their wandering habits, to ~~draw~~ entice them to a course of life calculated to present fairer prospects of comfort and happiness. To effect this a system should be devised for their benefit, kind & liberal, & gradually to be enlarged as they may evince

~~[illegible]~~ a capability to enjoy it. It will not answer to encourage them to the idea of exclusive self government. It is impracticable. No people were ever free, or capable of forming & ~~persevering~~ carrying into execution ~~executing~~ a social compact for themselves until education & intelligence was first introduced. There are with those tribes, a few ~~educated~~ & well informed & ~~[illegible]~~ men, possessing sound judgment & capable of conducting public affairs to advantage; but observation proves that the great body of the southern tribes of Indians, are erratic in their habits, & wanting in those endowments which are suited to a people who would direct themselves, & under it be happy & prosperous. With these disabilities to free & self government existing, our tribes on this side the Mississippi have been told, that while the U States are kindly disposed toward them, and anxious for their prosperity, it cannot be conceded to them to continue their efforts at independence within the limits of any of the States. It would be a source of great pleasure if encouragement could be given, and success be attained in an undertaking so praise worthy; and which every humane mind should desire to see fully effected: Not however by attempts to be made within the-

5th sheet – 3.4.

That which should early engage the attention
of Congress, looking forward to the period when
the sinking fund will be no longer required
to meet our public debt, will be to reduce
the duties on such articles of importation
as do not come in competition with the
labour & industry of this country, & which from
habit are considered articles of necessity, of
which Coffee, tea, ~~&c~~, as entering largely into
the consumption, may be considered as of
first importance – such a regulation
will operate ~~most~~ equally every where
by extending & defusing its benefits ex-
-tensively with the consumption of
these articles – ~~will~~ When this reduction
takes place I would recommend it to be
gradual that the stock on hand ~~on~~ upon which
the high duties have been paid might
find a markett before more others could be in-
-troduced which would prevent an act of
injustice and great injury to those who (under
the enactment of Govt have paid the high
duties on their stock on hand) should ~~must~~ be
injured by the act of the Government
unless the gradual reduction should be placed
at a distant day – Government ought always
to act Justly to its people. I would further
suggest it as worthy of enquiry whether –

Warehouses ought not to be provided by the Government sufficient to receive all goods voluntarily offered for deposit in security for duties, as well as all goods entitled for debenture. These goods ought always to remain in custody of an officer of the Customs until removed for reexportation. For this purpose Stores ought to be constructed under the directions of the Secretary of the Treasury, and the merchants making the deposit to pay for their storage. No person unless accompanied by an officer of the Customs ought to be permitted to have access to them: with these securities, and a priority of the Government secured by law — the long credits judiciously reduced, there would be great safety given to the Revenue, and but few losses sustained to the customs.

At present the great losses sustained in the revenue chiefly arise from the long credits on wares imported from beyond the cape of good hope. I would therefore recommend that they be shortened to six, nine & twelve months. This can be done without injury, and ought to go hand & hand

with a Judicious and gradual reduction
of the Tariff on such articles as are
become, from habit, of first necessity.

By a reference to the Books of the
Treasury it appears there are many out:
:standing accounts, which from year to
year have been reported as unsettled debts
due to the Govtm and which it is likely
never can be adjusted & paid.

These for the most part arise from the
confusion which are necessarily incident
to a state of war; and which produces un:
:kind feelings in the citizen from being
constantly held forth as a public defaulter
I would suggest therefore if some enlarged &
liberal policy should not be adopted
to enable the Govtm to get rid of those
balances. The act of 1823 is insufficient
for this purpose; its provisions is too ~~lim~~
limitted requiring of the Departments
to adjudge all such cases upon that
kind of testimony only as would be
admissible in courts of law.

Standing in connection with this subject
is another description of debts which
require the intervention of Legislative
enactment. The interest of the Government,
as well as Individuals, renders it necessary

It frequently happens that persons who become indebted on ~~[illegible]~~ custom house bonds fail through misfortunes of their own, ~~[illegible]~~ or from those they have become bound as security, and that compromises for the purpose of obtaining discharges are offered. No power resting with the Executive to enter into any arrangement, the consequence is, that oftentimes the debt both principle & interest are lost. would it not be proper under such instruction, and regulations as might be deemed advisable to guard against any improper influence of Executive authority, to place a well regulated power somewhere, to compromise and arrange all such cases; by such a regulation the Govt would be benefitted, and individuals who otherwise might sink dispirited into a state of inaction, might be roused to efforts conducive to the public good and by again entering into business add to the resources of the country and contribute to the maintainance of their own families. All experience teaches that to retain men in debt destroys every spirit of enterprise, and the enquiry is, if it be not more important to the wellfare and happiness of the people, that being the end ~~[illegible]~~ and object of all governments, to release on all proper

Message to Senate, May 6, 1830.

J's hand - prob. copy
of Lewis's Draft. Correct^ns
in Eaton's hand.

Earlier form, before
receipt of the protest

~~S. II. 418.~~

To the Senate of the united States

Propositions in the form of a Treaty have been recently sent to me, by a special messenger from the choctaw nation of Indians, proposing to cede their entire country to the United States east of the Mississippi river. This has been an act exclusively of the Indians themselves, the Government was not informed of it, and was unrepresented at the council that formed it. The Indians convened of their own accord, drafted & executed the propositions which are now presented, consenting to be bound by them if within three months, the president & Senate should approve. It will be perceived that they declare, in the last article, that if those which are now offered, shall be rejected, none others will be assented to, or submitted by them.

It is certainly desirable, & of great importance on various accounts, that some agreement should be concluded, that would effect an object so important as removing the Indians beyond the Territorial limits of the States, In such arrangement I should be disposed to extend to them terms as liberal, as it might be inferred the senate would sanction. I could not however, on constitutional grounds, consent to adopt the provisions contained in the present proposed treaty, nor yet do I consider it advisable or proper to withold it from the consideration of the senate

first, such is the request of the Indians

2d That the opinion of the Senate in relation to the terms proposed by the Indians, would have a salutary effect in further negotiations if this should be deemed advisable

3 That the propositions altho' objectionable in certain particulars, are believed to be susceptible of modification which might render them conformable to the humane and liberal policy, which it is desirable on the part of the Government to our red Brethren and be made at the same acceptable to the Indians. To these modifications, and to any suggestions of the Senate, the President in the exercise of peculiar functions would give the most respectful consideration

4th Such a course is abundantly justified by precedent in the earlier administration of the Government and though not used for some years past, may it seems to me be now properly resorted to under the peculiar circumstances of our present relations with the Indian tribes from a consideration of the magnitude of the results which are contemplated, and from a conviction that the measures, thus formed from their origin, by the united counsels of the two branches of the treaty making power will be more satisfactory to the american people, who have taken a deep interest in this question, as well as the Indian tribes

5- This mode of communicating with the Senate in relation to compacts which it is proposed to enter into with the Indian tribes, is believed not to be liable to the objection, which might, perhaps, be properly made to its application to our negotiations with civilized nations. The secrecy which it is indispensable to preserve in the latter case, is comparatively unimportant in the former.

With these views of the subject the President submits to the Senate, the ~~suggestions~~ alterations

which here occurred to him, or proper, in relation to the
propositions made by the Choctaw
nation, Thereby such ~~and~~ his view of the modifications
which at many ~~might~~ render those proposals
acceptable to the parties respectively.
Such are the views which occur to the
president by his reflections on the propo-
=sal of the Choctaw nation. He will cheerfully ~~willing to~~
however yield his ~~[illegible]~~ to the convictions which
may result from ~~the~~ a frank interchange
of opinion with his constitutional
advisers. He submits ~~for~~ to the Senate,
the following questions

~~① Will the Senate advise and consent
to the ratification of the treaty with
the Choctaws herewith presented~~

② Will the Senate advise & consent to
its ratification, with any and with what
amendments -

Financial Memoranda
preceding the Maysville
veto,

May 21 — 27, 1830

cf. Bassett's Corr., IV. 139.

From the statement of the Secretary of the Senate corrected by the Secretary of the Treasury hereto appended and marked A. it appears, that from acts published to the 21st of May 1830 – and the report of bills pending or amendments between the two houses ^that is pending which will probably pass there are an estimated deficiency in the Treasury of $73.378 – which added to the reduction of the revenue on Coffee & Cocoa estimated at $708.240.98 – will make an agregate deficiency of $781.588 – and when we take into view the appropriations contained in bills that have passed the Senate & are now pending in the House of Representatives $1.275.201 and the appropriation in bills that have passed the House of Representatives and are now pending in the Senate of $376.685 and of appropriations in bills in the Senate which have not as yet passed that body of $5.734.127 – and of the appropriations in Bills of the House of Representatives still pending in that House of $2.085.271 we have an agregate of $9.471.284, to add to the other deficiency in the Treasury which if these bills do not pass this session, if we are to judge from the present appearances of the sentiments entertained by a majority in congress will pass next session and which must be provided for by a system of direct taxes, or suspend the payment of the national debt—

It is therefore proper that these things should be placed before the people and let them be the judge whether ~~a system of internal improvement should first be well organized and adopted before it [illegible] and the~~ The ~~national debt be first paid~~ national debt should be first paid ~~before~~ and a system of internal improvement be first well organized and adopted before they shall be burthened with such onerous taxes as the present plans of prescribed in must load them with—

From the Statement received from the Secretary of the Senate

from the statement of the Register of the
Treasury, together with those from the clerk of
the House & secretary of the Senate hereto
annexed, & marked A. B. [illegible], that the bills which
have passed into laws, & those which in
all probability will pass after the 20th
instant, added to the ~~reduction which~~ diminution of the revenue
will accrue from the ~~decrease~~ reduction of duties
on Coffee & Cocoa, will overrun the
available amount in the Treasury
for the year 1830 the sum of $781.588.79.

From the foregoing it appears
whilst we are reducing the revenue
on the one hand, ~~by [illegible]~~ on the
other by appropriations for internal
improvements, we have overrun
the Treasury, overrun its available
funds the above sum of $781.588.79
whilst the bills pending before the
two houses if passed, & become laws
will augment that sum to ~~[illegible]~~
upwards of ten millions of Dollars
which will have to be provided
for by direct taxes, or leave the
the national debt unpaid. ~~[illegible]~~
The national Debt must be paid.

1633.910
1560.532
73.378

Memorandum
on the Appropria=tions exceeding
the available
amount in
the Treasury
$73.328. and
over the sum
available &
$708.240.98 -
the sum reduced
by reductions on
Coffee & Cocoa —

781.568.98
9.471.228.84
10.252.797.72

Maysville Road Veto
May 27, 1830

[copy] in hand of A. J. Donelson

Addit^{ns} by D.

correct^{ns} by J. H. Eaton, & A. Jackson.

Extensive verbal revis^{n} throughout in final text

~~R. II. 483–92.~~

To the House of Representatives

Gentlemen

I have maturely considered the bill entitled

and now return the same to the House of Representatives, where it originated, with my objections thereto.

Sincerely friendly to the improvement of the country by means of roads and canals, I regret that any difference of opinion should exist between us, as to the mode of effecting so desireable an object: and in stating my objections to the measure under consideration, if I go beyond what the occasion may be deemed to call for, I hope to find an apology, if any be necessary, in the great importance of the general subject, an unfeigned respect for the high source from which this branch of it has emanated, and an anxious desire to be correctly justly understood by my constituents in the discharge of every duty that devolves upon me. Diversity of views on the character and tendency of particular measures, among public functionaries actuated by the same general motives, is incident

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to all Governments and is the more to be expected in one which, like ours, owes its origin to the freedom of opinion and depends for its continuance upon the same cause. All that our constituents have a right to ask, is, that the views of their agents should be formed with an exclusive reference to the public good, that they be honestly maintained and frankly expressed. This done, our respective duties are discharged and the result may be safely left to those for whom we act, who, under all circumstances, will doubtless canvass our ~~respective~~ opinions with the indulgence which is due to the imperfections of our nature and with that deliberation and unbiassed judgement which are the true corrective of error.

The question as to the constitutional power and proper agency of the Federal Government in the construction or promotion of Internal improvements presents itself in two points of view

1st.- the right to construct roads and canals within the respective states, and to exercise in reference to over them, and over the territory which they occupy, jurisdiction sufficient for their use and preservation

and 2d - the right to appropriate money from the national Treasury in aid of works of that character

* when made by virtue of State authority.

(The

The first is an open question and can be decided without embarrassments arising from the usage of the Government. Although frequently and strenuously attempted that power, to this extent, has not yet been in a single instance exercised by this Government. It does not in my opinion possess it. No bill therefore which asserts it can receive my official sanction

In the other view of the power the question is differently situated. The ground taken upon this point at an early period of the Government was "that whenever money has been ~~[illegible]~~ raised by the General authority, and is to be applied to a particular measure, a question arises, whether the particular measure be within the enumerated powers authorities vested in Congress. If it be the money requisite for it, may be applied to it, if not, no such application can be made". The document in which this principle was first advanced is of high authority and should be held in permanent and grateful remembrance, as well on account of its immediate agency in rescuing the country from existing abuses and the Constitution from the dangers which menaced it, as for its conservative effect upon many of the most valuable principles of the Government. The symmetry of

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the system, and the purity of its operation would doubtless have been better preserved by the proposed restriction of the right of appropriation, if that restriction had been found compatible with its sufficiency for the attainment of the avowed objects of its institution). But the fact is undeniable, that this construction, though doubtless at all times respected for its abstract fitness, has been departed from by every subsequent administration of the Government, embracing a period of thirty out of the forty two years of its existence. It is not my purpose to detain you by a minute consideration of the particular acts by which this position is sustained. Anxious however that the subject should be viewed in its true light by those whom it so deeply concerns, and hoping much from the action of the people *upon it*, I cannot refrain from noticing such of them as are most prominent.

The administration of Mr. Jefferson is distinguished by two acts, the bearings of which upon the question under consideration have not been surpassed, if they have been equalled, by any subsequent events. I allude to the payment of

. . 15- millions

,for,

for the purchase of Louisiana and the original appropriation made for the Cumberland road; - the latter act deriving increased weight from the recorded ac=quiescence and approbation of three of the most powerful and patriotic members of the confederacy expressed through their respective legislatures. Al=though the circumstances of that case may not have been such as to give to that portion of it which relates to the actual construction of the road, the character of an obligatory exposition of the constitution, it must nevertheless be ad=mitted that so far as it concerns the appropria=tion of money, they present the principle in its a full & most imposing aspect. No less than different laws have been passed through all the forms of the constitution appropriating more than two millions of dollars out of the National Treasury in support of that improve=ment, with the approbation of every President of the United States since its commencement, including my immediate predecessor.

Independent of the sanction given to appropriations for the Cumberland road and other improvements of the same character, the ad=ministration of Mr Madison was characterised by an act which furnishes the strongest evidence,

evidence of his opinion upon the subject at that period. A bill was paſsed thro both Houses of Congreſs and presented for his approval "setting apart and pledging certain funds for constructing roads and canals, and improving the navigation of water courses in order to facilitate, promote, and give security to internal commerce among the several States, and to render more easy and leſs expensive the means and provisions for the common defence".

Regarding the Bill as aſsuming a power in the Federal Government to construct roads and canals within the limits of the States, with the consent of the particular states in which they were made, he objected to its paſsage on the ground of its unconstitutionality, declaring that the aſsent of the respective states in the mode provided by the bill could not confer the power in question; that the only cases in which the consent and ceſsion of particular States can extend the power of Congreſs are those specified and provided for in the Constitution; and superadding to these avowals his opinion that "a restriction of the power "to provide for the common defence and general welfare" to cases which are to be provided for by the expenditure of money, would still leave within the

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upon the supposition that there would be no increased
consumption of Tea & Coffee

the Legislative power of Congreſs, all the great and most important measures of Government, money being the ordinary and neceſsary means of carrying them into execution". I have not been able to place any other construction upon this declaration than as a conceſsion that the right to appropriate money is not limited by the power to carry into effect the measure for which the money is asked, as was formerly in 1798 contended for.

The views of Mr. Monroe upon this point were not left to inference. During his administration a Bill was paſsed thro the two Houses conferring, and prescribing the mode of exercising, jurisdiction by the Federal Government over the Cumberland road, which he returned with objections to its constitutionality; and in aſsigning them he took occasion to say, that in the early stages of the Government he had inclined to the construction that the Federal Government had no right to expend money except in the performance of acts authorised by the other specific grants of power according to a strict construction of them; but that, on further reflection and observation, his mind had undergone a change; that his opinion then was "that Congreſs have an unlimited power to raise money, and that in its

ap=

appropriation they have a discretionary power, restricted only by the duty, to appropriate it only to purposes of common defence, and of general not local, [illegible] national not state benefit"; and this principle was avowed to be the governing one in this respect through the residue of his administration. The development of the principles of the last administration on this subject are of such recent date as to render a particular reference to them unnecessary. It is well known that the money power to the utmost extent which had been claimed for it in relation to internal improvements was fully exercised.

This brief reference to known facts will be sufficient to shew the difficulty, not to say, impracticability of bringing back the operations of the Government on this question to the construction of the Constitution set up in 1798, admitting that to be the true reading of the original text.

I am fully aware of the dangerous tendency of interpretations which derive their authority from the Statute book instead of the Constitution. No one is more so, or more earnestly disposed to guard the constitution with sleepless vigilance from all interpolations which

(de-)

derive their chief sanction from acts of successful encroachment upon the well defined powers ~~definition and partition of the powers~~ of Government as they were understood and established by the framers of that sacred instrument. and although I shall be among the last to give my official sanction to the obligatory character of occasional usurpations, effected thro' (a conjuncture of) peculiar and imposing circumstances, I am nevertheless free to admit, that the public good and the nature of our political institutions require, that a (plain palpable and) long continued enduring acquiescence by the people and confederated authorities, in particular interpretations constructions of the constitution, upon doubtful points ought not to be disturbed on ordinary grounds.

The case before me does not require the expression of a more definite opinion as to the (particular circumstances which will warrant the) appropriation of money by Congress in aid of Internal improvements: for although the extension of the power to apply money beyond that of carrying into effect the object for which it is appropriated, has, for a long time been claimed and largely exercised by the Federal Government, such grants have always been, professedly at least, under the

(control of

controul of the general principle that the works which were thus aided, were, and should be "of a general not local, national not State character"!

A disregard of this distinction would of necessity lead ~~to consolidation and hence~~ to the subversion of the federal system. That it is an unsafe one, liable to arbitrary distinctions and consequently to great abuse is too obvious to require the confirmation of experience; at least it is so much so to my mind as to ~~make~~ forbid my approbation of the Bill entitled

I have given to its provisions all the reflection consideration which was demanded by a due regard to the interests of those of our fellow citizens who have requested its passage, and by the respect which is at all times due to the opinion of a coordinate branch of the Government; but I have not been able to view it in any other light than as a measure of purely local character. concern. If it can indeed be truly considered ~~as~~ a national object, it does appears to me that no further distinction between the appropriate duties of the General and State Governments need be attempted. It is difficult to conceive of any

(Peut)

public improvement that may not with equal or nearly equal propriety be so called. I am therefore constrained by an imperious sense of duty to object to the passage of the Bill herewith returned to you.

But altho I should might not feel it to be my official duty, to interpose the Executive veto to the passage of a Bill appropriating money for the construction of such works as are authorised by the States and which may be considered general & as are national in their character, I do not wish to be understood as expressing an opinion that it is expedient for this Government at the present moment now to embark in a system of that character. Anxious that my constituents should be possessed of my views upon this as well as upon all other subjects which they have been pleased to com=mit in part to my discretion, I shall state them frankly and briefly. Independent of many minor considerations there are two prominent views of the subject which have made a deep impression on my mind; which I think are well entitled to your serious consideration and will I hope be earnestly and maturely weighed by the People. From the official communication submitted to you it appears that if no adverse and unforeseen contingency happens in our Foreign

relations,

It is exclusively within the limits of a State without connection with any established general system or plan, and even there not conferring general but partial advantages; commencing at a navigable point on the ohio river and running out sixty miles to an interior Town in the State relations, and no unusual diversion be made of the funds set apart for the payment of the national debt we may look with confidence to its entire extinguishment in the short period even without the aid of the Bank shares owned by the Govt. of 4 years. The extent to which the realization of this pleasing anticipation may be realized dependent upon the particular question now under consideration, and must be obvious to all; and the events of the present session are already well calculated to awaken public solicitude upon the subject. ~~[illegible]~~ (turn over)

The improvement of the country by means of roads and canals is ~~already~~ deservedly an object of much interest. Although many of the States are with a laudable zeal and under the influence of an enlightened policy, are successfully applying their separate efforts to objects of that character, yet the desire to enlist the aid of the General Government in the construction of such as from their nature ought to devolve upon that Government and to which the means of the individual states are inadequate, is at once

(rational,)

Looking to the different public acts* which have already passed, granting appropriation of money; and to those Bills which have received the sanction of one or the other House of Congress, the sums already appropriated & anticipated will exceed the amount in the Treasury which is applicable to the service of 1830 $4.7[illegible]5.86[illegible]. If to this be added the sums which are included in Bills that have been reported and are now pending before the two Houses of Congress, the amount will exceed the funds in the Treasury by more than $10.000.000. If some general system in relation to Internal improvements be agreed upon, then this exhausting mode of appropriation will be ~~[illegible]~~ avoided; otherwise, as the practice now is, we must expect a continuance of the national debt or be forced to resort to ~~direct taxation~~ additional taxes.

* paper marked A. & B. C. D.

rational and patriotic. (There are however times and circumstances for all things). If these wishes cannot be realised now it does not follow that they never will be. The general intelligence and public spirit of the American people furnish a sure guarantee that at the proper period this policy will be made to prevail under circumstances more auspicious to its successful prosecution than those which now exist. Great, however, as that object undoubtedly is, it is not the only one which demands the fostering care of the Government. The preservation and success of the Republican principle rest with us. To elevate its character and extend its influence ranks among our highest duties: and the best means to effect this desirable end are those which will rivet the attachment of our citizens to the Government of their choice by the comparative lightness of their public burthens and attract the admiration and respect of the world by the superior success of its operations. Although, through the favor of an overruling and indulgent Providence, our country is blessed with general prosperity and our citizens are exempted from the pressure of taxation which other, less favored, portions of the human family

family are obliged to bear, it is not the less true that the Many of the taxes collected from our citizens through the medium of imposts have for a long time been very onerous. In many particulars those taxes have borne severely upon the laboring and less prosperous classes of the community by their imposition upon the necessaries of life; and this too in cases where the burden was not relieved by the consciousness that it would ultimately contribute to make us independent of foreign nations for articles of prime necessity, by the encouragement of their growth and manufacture at home. They have been cheerfully borne paid because they were necessary to the support of Government and to the payment of the debts unavoidably incurred in the acquisition and maintenance of our national rights and liberties. But have we a right to calculate on the same cheerful acquiescence when it is known that the necessity for their continuance would cease were it not for irregular, improvident and unequal appropriations of the public funds ‸ By

☞ Turnover

the payment of the national debt the people may be relieved from a great portion of the taxes which they now pay. Those which it would be necessary to continue for the support of

the

will not the people demand, as they have a right to do, such a system of prudent expenditure, as will pay the debts of the union, and reduce all imposts and duties which are not necessary to encourage our manufactures, our labor and the industry of our citizens when standing in competition with that of other nations. When the national debt is paid the duties upon those articles which we cannot raise may be repealed with safety, and, there will doubtless still be left, ~~I trust~~, an accummulating surplus fund, without oppression to any section of the Country, which may be beneficially applied to some well digested system of improvement.

the Government might be regulated so as to contribute to the support and encouragement of our manufac=
=tures, still leaving I trust, without oppression to any section of our country, an accumulating surplus fund subject to the disposition of Congress.

Should these results be effected the question as to the manner in which the Federal Government can or ought to embark in the construction of roads and canals, and the extent to which it may impose burthens on the people for these purposes may be presented upon its own merits, free from all disguise, and [illegible] from every embarrassments except such as may arise Springs from the constitution itself. Assuming that they are practicable, and it is neither un=
=reasonable nor extravagant to say that they are, will not our constituents require the observance of the course by which they can be effected? ought they not to require it? I have no hesitation in saying that with the best disposition to aid as gr. far as I can conscientiously, whatever is proposed by Congress, with the sanction of the people, in furtherance of works of Internal improvement, my opinion is decidedly that the soundest views of national policy at this time turn to that course,

~~the Government might be regulated so as to contribute to the support and encouragement of our manufac=tures, still leaving I trust, without oppression to any section of our country, an accumulating surplus fund subject to the disposition of Congress.~~

Should these results be effected the question as to the manner in which the Federal Government can or ought to embark in the construction of roads and canals, and the extent to which it may impose burthens on the people for these purposes may be presented upon its own merits, free from all disguise, and free from every embarrassment except such as may arise *Springs* from the constitution itself. Assuming that they are practicable, and it is neither un=reasonable nor extravagant to say that they are, will not our constituents require the observance of the course by which they can be effected? Ought they not to require it? I have no hesitation in saying that with the best disposition to aid as gr far as I can conscientiously, whatever is proposed by Congress, with the sanction of the people, in furtherance of works of Internal improvement, my opinion is *decidedly* that the soundest views of national policy at this time turn to that course,

course.] Besides the avoidance of an evil corrupting influence upon the local concerns of the country, how solid is the advantage which the Government will reap from it in the elevation of its character – How gratifying the effect both upon itself and ~~the people~~ constituents, of presenting to the world the sublime spectacle of a Republic of 12 millions of happy people, in the 54th year of her existence, after having passed thro two protracted wars, the one for the acquisition of liberty and the other for its maintenance, free from debt, and with all its immense resources unfettered! What a salutary influence would not such an exhibition exercise upon the cause of liberal principles and free Government throughout the world? Would we not ourselves find in its power an additional guaranty that the political institutions which have produced these blessings need only to be honestly used to be transmitted to posterity with equal effect upon them? It is not probable that our constituents will hesitate in their choice between the reali~~zation~~zing of ~~of~~ ~~results~~ benefits like these and the possibility of their failure ~~by~~ through the indulgence of a mortifying, not to say ~~disreputable~~ interested – selfish scramble for detached appropriations, without

(the)

[illegible] duty on Tea Coffee & Cocoa for an average of 8 years ending in 1828 — 3,298,819.63

estimated under the reduced duties for the same number of pounds } 1.402.613.37

diminution of revenue $ 1,896.206.26

upon the same consumption for 1828 —

The increased consumption may reduce the diminution about $ 1,500.000 instead of 1.896.906 —

A course of policy ~~calculated to effect benefits~~ destined to witness ~~results~~. events like these cannot be benefited ~~[illegible]~~ by a legislation which tolerates a scramble for detached appropriations ~~which~~ that have no relation to a general system of improvement, and whose good effects must of necessity be very limited. In the best view of these appropriations the abuses to which they lead far exceed the good which they can promote

Strike, page 15 out, & insert—

Under this view, the question as to the manner in which the Fed. Govt. can or ought to embark in the construction of roads & canals, & the extent to which demands upon the people shall be made for these purposes may be presented upon its own merits, free of all disguise and of every embarrassment, except such as may arise from the constitution itself. Assuming these suggestions to be correct, will not our constituents require the observance of a course by which they can be effected; ought they not to require it. With the best disposition to aid as far as I can conscientiously, in furtherance of works of internal improvement, my opinion is, that the soundest views of national policy at this time point to such a course. In it much benefit is assumed. Besides &c—see page 16 reference to any general system, and the good effects of which must of necessity be very limited. In the best view of these appropriations the probability of abuse far exceeds the benefits likely to result from them. They may be resorted to as artful expedients to impose shift upon the Government the losses of unsuccessful private speculation, and thus by ministering to personal ambition tend eventually to sap the foundations of the public virtue, and taint the administration of the Government with a selfish, demoralising and corrupting influence.

Another interesting view of the subject, and the only remaining one which it is my intention to present to you at this time is that which involves the expediency of embarking in a system of Internal improvements, without a previous amendment of the Constitution explaining and defining the precise powers of the Federal Government over it. Assuming the right to appropriate money to objects of national concern to be either warranted by the original text or ~~to result~~ or resulting from Cotemporaneous and continued exposition of its meaning, its insufficiency for a successful prosecution

(of)

of the object must be admitted by all candid minds. If we look to usage for the to define extent of the right, that, will be found so variant and embracing so much that has been successfully overruled, as to involve the whole subject in the most painful great. uncertainty, and to render the execution of our respective duties in relation to it, replete with difficulty and embarrassment. The general principle that the right to appropriate is not restricted by the right to carry into complete effect, has, as we have seen, been extensively recognized. It is in regard to public improvements and the acquisition of additional territory that this practice obtained its first footing. In most, if not all other disputed questions, as to appropriation, the construction of the Constitution may be regarded as unsettled, if the right to apply money in the enumerated cases is placed on the ground of usage.

This subject has been one of much, and I may add painful, reflection to me. It has bearings that are well calculated to exert a most powerful influence upon our hitherto prosperous system of Government. on some accounts it may even excite despondency in

the

the breast of an American citizen. I will not detain you with professions of zeal in the cause of internal improvement. If to be their friend is a virtue which deserves commendation our country is blessed with an abundance of that sentiment, for I do not suppose there is an intelligent individual in the nation who does not wish to see them flourish. But tho' all are in favor of internal improvement, but few I trust are unmindful of the means by which they should be promoted. None certainly are so degenerate as to desire even so great a good [illegible] at the cost of that sacred instrument with whose preservation is indissolubly connected our Country's hopes. If expectations of a different result are entertained in any quarter; if it is believed that the people of this country reckless of their consti-tutional obligations and preferring their interest to principle will go for the former regardless of the latter, such expectations will in the end be woefully disappointed. Or, if it be not so, then indeed has the world but little to hope from the cause of free Governments. When an honest observance of constitutional (terms compacts cannot be obtained from communities like ours, it cannot

(be)

If expediency is to be made a rule of construction in interpreting the constitution, power, ever insidious and covert in its movements, will make gradual encroachments under this guise, until it acquires strength enough to overthrow all the checks provided in that sacred instrument for its government. Liberty will then exist only in name.

be expected elsewhere: and the cause in which there has been so much martyrdom and from which so much has been anticipated by the friends of liberty may be abandoned; the degrading truth that man is unfit for self Government admitted; and the management of public affairs surrendered to those who claim authority from a higher source ~~au~~ + ~~thority~~ than the will of the people. But I entertain no such apprehensions. If it is the wish of the people that the construction of roads and canals should be generally conducted by the Federal Government, it is not only highly expedient, but indispensably necessary that a previous amendment of the constitution delegating the necessary power and defining and restricting its exercise with reference to the sovereignty of the States, should be made. Nothing extensively useful can be effected without it. The right to exercise as much jurisdiction as is necessary to preserve the works and to raise funds by the collection of tolls for keeping them in repair cannot be dispensed with. The Cumberland road should be an instruction admonition of the consequences of [illegible] acting without this right. Whilst one Congress may claim and exercise the power, their successor

(May)

Year after year are contests witnessed, growing
out of efforts to attain the necessary appropriations
for completing and repairing this useful work

may deny it, and the consequence of such a fluctuation of opinion must be unavoidably fatal to any scheme which from its extent would be calculated to promote the interests and elevate the character of the country. The experience of the past has shewn that the opinion of Congress is subject to such fluctuations & changes.

If it be the desire of the people that the agency of the Federal Government should be confined to the appropriation of money in aid of such undertakings in virtue of State authorities, then the occasion, the manner and the extent of such appropriations, should be made the subject of constitutional regulation. It is necessary that this should be so in order that they may be equal and equitable in the several states, to preserve other parts of the Constitution from being undermined by the exercise of doubtful powers or the too great extension of those which are not so, and to protect the whole subject against the deleterious influence of combinations to carry, by concert of action measures, which if considered by themselves might would meet but little countenance.

over

That a constitutional adjustment of this whole matter upon equitable principles

83 – That harmony & kind feeling may be preserved between members representing different sections of the country

is in the highest degree desirable is scarcely not susceptible of doubt, nor can it fail to be promoted by every sincere friend to the success and permanency of our political institutions. In no government in the world are appeals to the source of power in cases of real doubt more suitable than in ours. What good motive can be assigned for the exercise of power by the constituted authorities while those for whose benefit it is to be exercised have not given it and may not be willing to give it. It would seem to me that an honest and successful application of the conceded powers of the General Government, to the advancement [illegible] of the common weal, present a sufficient scope to satisfy a reasonable ambition. The difficulty and supposed impracticability of obtaining an amendment of the Constitution in this respect, I firmly believe, in a great degree unfounded in fact. I do not so understand the character of the American people. The time has never yet been when their intelligence and patriotism were not fully equal to the exigency of the case, and it never will whenever the subject matter calling forth their,

their interposition is plainly and honestly presented to them. To do so with the questions involved in this bill, and to urge them to an early, jealous and full consideration of their deep importance is in my estimation among the highest of our duties

May 27, 1830 —
— Maysville Veto

2 Donelson drafts, final text, of part of introductn.

~~R. II. 483–5~~

"adopted has been deprecated as an infraction of the Constitution by many of our fellow citizens; while by others it has been viewed as inexpedient. All feel that it has been employed at the expense of harmony in the Legislative councils" and adverting to the constitutional power of Congress to make what I considered a proper disposition of the surplus revenue, I subjoined the following remarks. "To avoid these evils, it appears to me that the most safe, just, and federal disposition which could be made of the surplus revenue would be its apportionment among the several States according to their ratio of representation; and should this measure not be found warranted by the Constitution that it would be expedient to propose to the States an amendment authorising it."

The Constitutional power of the Federal Government, to construct or promote works of internal improvement, presents itself in two points of view,- the first as bearing upon the sovereignty of the States within whose limits their execution is contemplated, if jurisdiction of the Territory which they may occupy be claimed as necessary to their preservation and use:- the second as asserting the simple right to appropriate money from the national Treasury in aid of such works when undertaken by State authority, surrendering the claim of jurisdiction. In the first view the question of power is an open one, and can be decided without the opinion, and must be upheld by the same influence. Controlled as we thus are by a higher tribunal, before which our respective opinions will be canvassed, with the indulgence due to the imperfections of our nature, and with that intelligence and unbiassed judgment which are the true correctives of error, all that our responsibility imposes is, that the public good should be the measure of our views, dictating alike their frank expression and honest maintenance.

The Constitutional power of the Federal Government, to construct or promote works of internal improvement, presents itself in two points of view, the first as bearing upon the sovereignty of the States within whose limits their execution is contemplated, if jurisdiction of the Territory which they may occupy be claimed as necessary to their preservation and use; the second as asserting the simple right to appropriate money from the national Treasury in aid of such works when undertaken by State authority, surrendering the claim of jurisdiction. In the first view the question of power is an open one, and can be decided without the embarrassment attending the other, arising from the practice of the Government. Altho' frequently and strenuously attempted, this power, to this extent, has never been exercised

by

27 May, 1830.

A.J.D.'s Draft of various passages in the Maysville Veto, all incorporated in the final text.

~~Cf. R. II. 488 90.~~

In my annual communication to congress at the opening of the session I expressed

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upon the policy which may be pursued in relation to
to measures of the character of the one under consideration
~~the subject and consideration~~ must be obvious to all, and
the events of the present session are already well
calculated to awaken public solicitude upon the
subject: and if to this calculation be added
the amounts contained in bills which are
pending before the two Houses, it may
be safely affirmed that ten millions of
dollars would not make up ~~then~~ the excess
over the receipts into the Treasury, unless
the payment of the national debt is
postponed, and the means now pledged
to that object, applied to those enumerated
in ~~these~~ bills

and authorise the reduction of any tax to as low
a point as a ~~discreet~~ wise observance of the
necessity to protect that portion for manufacturing
~~and~~ labor ~~in~~ whose successful competition
~~with the labor of other nations or places~~ the
~~national~~ is essential to our nation safety and
independence

J's draft of part of
Maysville Veto Message,
27 May 1830

1st ¶ here is versn of
¶ 3 of the Message: the rest
is apparently not used

~~R II. 483-4.~~

In the message which was presented to the consideration of Congress at the opening of its present session, I endeavoured to present the views which I entertained upon this important and highly interesting subject, that the Representatives of the people might consider, after what mode, a system could be resorted to, calculated to reconcile the diversity of opinion which prevailed. In that message the following sentiments will be found "After the extinction of the public debt &c" insert that, & its following paragraph–

I again repeat, that a subject so full of embarrassment, should not be confided to accident and chance. If an appropriation is obtained one year, for purposes of improvement; a succeeding congress may determine the purpose to be local, not general & national, & refuse to carry it on. Uniting with corporations cannot vary or ~~[illegible]~~ change the subject matter under consideration national: it will still be open to the enquiry whether it be so or not. If to be executed with a corporation

can create a difference & authorise
an appropriation, then there is nothing
to prevent the Govt. from connecting
itself with every local incorporated
institution in every State of the Union
to be made liable and answerable
for the acts, thereby extending the
patronage & influence of the
General govt., to the ultimate destruction
of the independence & sovereignty of
the states-

May 27, 1830.

J.K. Polk's drafts (2) of constitutional arguments for the Maysville (?) veto.

First annual message   Veto

Having carefully examined the Act

presented to me for
my signature on the   Instant, I find myself
constrained to return it to the House of Representatives
in which it originated with my objections —

Aware of the prevailing sentiment on the subject of Internal Improvements generally, and apprized of the variety and conflict of opinion concerning it I ought not to be indifferent to public ~~opinion~~ sentiment, but cannot hope to avoid giving dissatisfaction to many whether I approve or disapprove of this Act.

Feeling the high responsibility of my situation, I have looked to the Constitution, to experience and to reason for lights to direct me in the best course to promote the permanent prosperity of our country.

The advocates of the power of the Federal Government to make Internal Improvements, within the limits of the respective States, deduce it by construction from the Constitution, and not ~~from~~ in any express grant, except the clause concerning "Post Roads" – the meaning of which is earnestly contested. What this Government may or may not do in particular circumstances or in cases of emergency, is very difficult to define; but I think it may well be questioned, if not safely denied, that the power claimed was ever intended to be conferred on this Government as part of its ordinary functions.

Our Statesmen of most distinguished talents have differed as to the existence of this power, and among those who recognize it, there is an indefinite variety of opinion as to its extent. These diversities of sentiment must necessa

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=rily produce gross inequality and injustice in its exercise; but it has progressed far enough already to satisfy us, from actual experience, that it is attended with other evils, prejudicial to general harmony, and dangerous to the purity of our institutions.

There is no absolute, nor urgent necessity for exercising such a power; partial convenience alone calls for it; and that may well resort to other means or await public opinion expressed in a safe mode.

The National debt is not yet paid. It is an object to which, all agree, we have the right of applying money; and its discharge is of the first importance, claiming all our resources beyond the ordinary demands of the Government. By pursuing this policy, we may expect the debt will have been entirely discharged in a few years; and if our resources should yield a surplus of revenue, beyond the necessities of ~~the~~ Government, it may then be disposed of as the people may direct. In the meantime it may be well for Congress to submit to them such propositions for amending the Constitution, as may seem best calculated to obviate any existing difficulties.

This ~~Bill~~ act proposes to take stock in a company, and while it avoids some, it creates other objections against making or aiding such works by this Government. I have therefore thought it safest, without indulging in distinctions among the various modes which have been proposed, respectfully to recommend a reference of the whole subject, to the people, for suitable amendments of the Constitution, and to withhold my signature from this ~~Bill~~ act for the following reasons.—

1st The Constitutional power of this Government over the subject generally, is at least questionable.—

2nd The diversity of opinion, and uncertainty as to the existence of the power, and its extent, render it impossible to exercise it with tolerable equality and justice.

3d There is no indispensible use for the contemplated wealth; and the manner of disposing of any surplus revenue, with a view to this, or to other objects, may be satisfactorily adjusted before the final payment of the Public Debt.

4th The annual receipts into the Treasury, which may remain after defraying the ordinary expenses of the Government, and such extraordinary expenses, as may be necessarily incurred, for the accomplishment of objects, unquestionably within the reach of Federal power, should be applied in my opinion, exclusively to the payment of the Public Debt.

vers of internal
:nal improvements

Veto internal improvements

The power to construct roads within the jurisdictional limits of the States, is not in my opinion conferred upon Congress by the Constitution. Some ~~[illegible]~~ of my predecessors in this high trust have denied the existence of such a power, whilst others ~~have been~~ under particular limitations have been disposed to concede the power to appropriate money ~~for~~ the construction of such works. Having anxiously sought in the Constitution the grounds on which this power rests, I am brought to the conclusion, upon a full review of the whole ground, ~~I am brought to the~~ ~~conclusive~~, that the existence of the power is too questionable to justify its exercise, and presents just such a question as should be referred to the people, in the mode prescribed by the Constitution. Its exercise is not indispensable to the progress or prosperity of the Government, and if it present a question of real doubt such a reference is preferable, to the assumption of ~~such~~ a power, which all admit is derived from no express ~~grant~~ grant in the Constitution but from construction. Considering therefore the weight of authority, and the conflicts of opinion which exist on either side of this important question, and the dangers to be encountered whenever ~~wherever~~ the Federal Government, shall pass beyond the boundaries prescribed by the Constitution, limiting its powers, it is in my opinion expedient not to exercise it, but refer its decision in the Constitutional mode to the people.—

But reviewing the constitutional question presented by this Bill, and considering it to be matter of great doubt, I withhold my signature from it for the following reasons.

First the annual receipts into the Treasury, which may remain after paying the necessary expenses of the Government, should in my opinion be applied exclusively to the payment of the Public Debt.–

Second– Because the appropriations made by Congress for the expenses of the current year, already exceed those of the preceding year, and if large additional appropriations are now made, for objects of Internal Improvements, there is danger that there will not be money in the Treasury to meet the annual sinking fund applicable to the debt, and in that event, it may become necessary, to increase the revenue by a direct tax, or in some other mode which may be provided by Congress.–

Third– That the road contemplated ~~to be made~~ by the Bill is not in my opinion necessary to effect any ~~[illegible]~~ National end.

Fourth– If after the Public Debt shall have been discharged, it shall be impossible to devise any system of revenue, which shall make the annual receipts and expenditures precisely equal, and if of necessity, for the safety of the Government, there must be an annual surplus in the Treasury, it is submitted whether it would not be expedient, to provide in anticipation of that state of things, for its distribution in some equitable proportion among the different members of the Union.–

~~Impelled by~~

Impelled by a deep sense of my duty, under the Constitution, and fully aware of the high responsibility which I assume, in withholding my approbation from a measure which has received the sanction of a majority of Congress I return the Bill with the consolation that if in the opinion of a Constitutional Majority, I have erred, ~~that~~ my opinion will be overruled; or if not, that it may lead to some amendment of the Constitution which will restore harmony of opinion in the

National Legislature, upon this interesting question of policy and Constitutional power.

a view of the con:
:stitutional power
of the Congress to
appropriate
money for inter:
:nal improvements

Van Buren's Draft of the Maysville Veto, 27 May 1830.

The basis of the final text (with the insert^{n} of the one ¶ in Jackson's hand), but nearly every sentence is revised.

~~R. II [illegible]~~

1.

To the House of Representatives

Gentlemen

I have maturely considered the Bill entitled

and now return the same to the House of Representatives where it originated with my objections thereto.

Sincerely friendly to the improvement of the country by means of roads and canals I regret that any difference of opinion should exist between us to the mode of contributing

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to so desirable a result.

If in stating my objections to the immediate measure under consideration I go beyond what the occasion may be deemed to call for I hope to find my apology, if any be necessary, in the grave importance of the general subject – an unfeigned respect for the high source from which the measure under consideration has emanated, and an anxious desire to be fully understood by my constituents in the discharge of every duty that devolves upon me. - Diversities of opinion in regard to particular measures among public functionaries actuated by the same general motives are incident to all Governments and are the more to be expected in one which like ours owes its existence and depends for its continuance upon the freedom of opinion. All that our constituents have a right to ask is that the views of their agents should be formed with an exclusive reference to the public good - that they would be honestly maintained and frankly expressed. That done - our respective duties are discharged and the result may be safely left to those for whom we act; relying with confidence, as we well may, that under all circumstances our respective opinions will be canvassed by the people with the indulgence which is due to the imperfections of our nature & that whatever is wrong will in due time find its correction in their deliberate and unbiased judgment.

The question as to the Constitutional power and proper agency of the Federal Government in the construction or promotion of Internal Improvements presents itself in two points of view viz

First – The right to construct roads & canals within the respective States and exercise over them & the territory they occupy jurisdiction sufficient for their enjoyment & preservation –

Secondly – The right to appropriate money from the national treasury in aid of works of that character when made by virtue of State authority.

The first is an open question & can be decided without embarrassments arising from the usage of the Government. Although frequently & strenuously attempted that the power has not yet been in a single instance exercised by this Government. It does not in my opinion possess it. No bill therefore which asserts it can receive my official sanction.

The remaining question is differently situated. The ground taken upon this point at an early period of the Government was— "that whenever money has
"been raised by the general
"authority, and is to be applied
"to a particular measure, a
"question arises, whether the

"particular measure be within
"the enumerated authorities vested
"in Congress. If it be the money
"requisite for it, may be applied
"to it, if not no such applica-
"tion can be made.

The document in which this principle was first advanced is of deservedly high authority & should be held in permanent & grateful remembrance, as well on account of its immediate agency in rescuing the Country from existing abuses of the constitution from ~~the~~ dangers which menaced it, as for its conservative ~~ef~~ effect upon many of the most valuable principles of the Government. The symmetry of the system & the sobriety of its operation would doubtless have been better preserved by the proposed restriction of the right of appropriation, if that restriction had been found compatible with its sufficiency for the attainment of the ~~great~~ avowed objects of its institution. But the fact is undeniable, that this construction, though doubtless at all times respected for its abstract fitness has been departed from by every subsequent administration of the Government; embracing a period of thirty out of the forty two years of its existence. It is not my purpose to detain you by a minute consideration of the particular acts by which his opinion is sustained. Conscious however that the subject should be viewed in its true light by those whom it so deeply concerns and hoping much from the ultimate action of the people upon it, I cannot refrain from noticing such of them as are most prominent.

The administration of Mr Jefferson is distinguished by two acts ~~which~~ ~~the~~ bearing of which upon the question under consideration have not been surpassed, if they have been equalled, by any subsequent events. I allude to the payment of millions for the

purchase of Louisiana and the
original appropriation for the
Cumberland Road; the latter
act deriving increased weight
from the recorded ~~of~~ acquiescence
and approbation of ~~ten~~ three
of the most powerful and
patriotic of the original members
of the Confederacy expressed
through their respective Legisla-
tures. Although the circum-
stances of ~~this~~ the latter case may be not
such as to dispense ~~have been such as to give~~ so much ~~to such~~
of ~~those~~ it as relates to the actual
construction of the road, of the
character of an obligatory
exposition of the constitution;
it must nevertheless be admitted
~~that~~ so far as it concerns

the appropriation of money
it ~~less~~ is of a very imposing
character. No less than
different laws have been passed
through all the forms of the
Constitution appropriating
millions of dollars out
of the national treasury in support
of that object with the appro-
bation of every President of the
U. S. from the period of its
first adoption to & including my
immediate predecessor.

Independent of his sanction
given to appropriations for the
Cumberland & other road & objects
of Mr Madison
the administration ^was character-
ized by an act ~~by~~ which furnishes
the strongest evidence of his
~~the~~ opinion upon the subject at
that period. A Bill was passed

through both Houses of Congress
and presented for his approval "setting
"apart & pledging certain funds for
"constructing roads & canals, and
"improving the navigation of water
"courses, in order to facilitate
"promote & give security to
"internal commerce among the
"several States & to render more
"easy & less expensive the means
"& provisions for the common defence."

Regarding the Bill as asserting
a power in the Federal Government
to construct roads & canals within
the limits of the States with the
assent of the particular States
~~assent~~ in which they were made
he objected to its passage on the
ground of its unconstitutionality:-
declaring that the assent of the
respective States in the mode

provided by the Bill could not confer
the power in question; – that the
only cases in which the consent
and cession of particular States
can extend the power of Congress
are those specified & provided
for in the Constitution: super-
adding to these avowals his
opinion that "a restriction of
"the power "to provide for the
"common defence & general wel-
"fare", to cases which are to be
"provided for by the expenditure
"of money, would still leave
"within the Legislative power of
"Congress, all the great and
"most important measures of
"Government, money being the
"ordinary & necessary means
"of carrying them into ~~effect~~." execu-
"tion"? I have not been able
to place any other construction

upon this declaration than as a concession that the right to appropriate money is not limited by the power to carry into effect the measure for which the money is asked as was formerly contended.

The views of Mr Monroe upon the point were not left to inference. During his administration a bill passed the two houses conferring & prescribing the mode of exercising jurisdiction by the Federal Government over the Cumberland road. He returned with objections to its constitutionality; & in assigning his objection he took occasion to say that in the early stages of the Government he had inclined to the construction, that the Federal

Government had no right to expend
money except in the performance
of acts authorized by the other
specific grants of power, according
to a strict construction of them;
but that on further reflection
and observation, his mind had
undergone a change — that his
opinion then was "that Congress
"have an unlimited power to
"raise money, & that in its
"appropriation they have a
"discretionary power, restricted
"only by the duty, to appro-
"priate it only to purposes of
"common defence, and of general
"not local, national not State
"benefit;" and this principle was
avowed to be the governing one
in his [illegible] through the residue
of his administration. The
development of the principles

of the last session is both in this regard one so ample and of such recent date as to render a particular reference to them unnecessary. It is well known that the money power to the utmost extent which had been claimed for it in relation to Internal Improvements was fully exercised.

This brief reference to known facts will be sufficient to show the difficulty not to say impracticability of bringing back the operations of the Government in regard to the construction of the Constitution set up in 1798; admitted to be the true reading of the original text. ~~[illegible]~~

I am fully aware of the dangerous tendency of interpretations which derive their authority from the Statute Book instead of the Constitution.

No man ~~can be~~ is more so, or more earnestly disposed to guard the Constitution with sleepless vigilance from all interpolations ~~upon~~ which derive their chief sanction from acts of successful encroachment upon the definition & partition of the powers of Government contemplated & established by the framers of that sacred instrument.

~~But~~ and But although I shall be among the last to give my official sanction to the obligatory character of accasional usurpations, effected through the conjunction of peculiar & facilitating circumstances, I am nevertheless free to admit, that the public good & the nature of our political institutions require, that plain palpable & long existing acquiescence by the people and confederated authorities, in particular constructions of the Constitution, upon doubtful points ought not to be disturbed on and in any ground.

The case before me does not require the expression of a more definite opinion as to the particular circumstances which will warrant the appropriation of money by Congress in aid of works of Internal Improvement; for although an extension of the power to apply money beyond that of carrying into effect the object for which it is appropriated has for a long time been claimed & largely exercised by the Federal

Government, such grants have always been, professedly at least, under the control of one general principle viz- that the works which might be thus aided should be "of a general not local, ~~State~~ national not State character."

A disregard of this distinction would of necessity involve the subversion of the Federal system. That the qualification is an unsafe one, subject to arbitrary distinctions and consequently liable to great abuses impositions is at least obvious if they have not been already confirmed by experience. It is however sufficiently certain information to ~~contain~~ ~~[illegible]~~ forbid my approbation of the Bill entitled

I have given to its provisions all the consideration which ~~is~~ was demanded ~~[illegible]~~ by the due regard to the interests of those of our fellow Citizens who have requested its passage and to the respect which is at all times due to the house from whence it has originated, but I have not been able to view it in any other light than as a matter of a purely local concern. If it can indeed be truly ~~regarded~~ considered as a national and object, it does appear to me that no further distinction between the appropriate duties of the General & State Governments in this regard need be attempted; for I find it difficult to conceive of any public improvement which may not with equal or nearly equal propriety be so called. I am therefore constrained by an imperious sense of duty to object to the passage of the bill herewith returned to you.

But although I might not feel it to be my official duty, to interpose the Executive veto to the passage of a bill appropriating motowards the construction, of such works as are ~~undertaken~~ contemplated by the States, & as are national in their character, I do not wish to be understood as expressing an opinion that it is expedient for the Government now to embark in a system of this character ~~[illegible]~~. Anxious that my constituents should be possessed of my views upon this as well as upon all other subjects which they have been pleased to commit, in part, to my discretion, I would state them ~~briefly~~ frankly and briefly. Independent of many minor considerations there are two prominent views of the subject which have made a deep impression upon my own mind_which I think are well entitled to your serious consideration, and will I hope be ~~duly~~ earnestly and maturely weighed by the people. From the official communication submitted to you it appears that if no adverse & unforeseen contingency may happen in our foreign relations & no unusual diversion be made of the funds set apart for the payment of the national debt we may look with ~~entire~~ confidence to its entire extinction in the short period of 4 years.

The extent to which the realization of this pleasing anticipation is dependant upon the course to be pursued upon the particular matter now under consideration must be obvito all of the evils of the present System are already well calculated to awaken public solicitude upon the point.

The improvement of the Country by means of roads & canals is already an object of much interest. Although many of the States are with a laudable zeal and under the influence of an enlightened policy, successfully applying their separate efforts to objects of that character; yet the desire to enlist the aid of the General Government in the construction of such works as from their nature ought to devolve upon that Government and to which [illegible] the means of the individual States are inadequate - is at once national & patriotic. There are however times & circumstances for all things. If those wishes cannot be realized now it does not follow that [illegible] they never will be. The general intelligence and [illegible] public spirit of this people furnishes a sure guarantee that in good time that policy will be made to prevail, under circumstances more auspicious to its successful prosecution than those which now exist. Great however as that object undoubtedly is, it is not the only one which demands the fostering care of the Govmt. The preservation & success of the Republican principle rests with us; & to elevate its character and extend its influence deservedly ranks among our ~~first~~ & highest duties. The appropriate means to effect these desirable ends are to rivet the attachments of our Citizens to the Government of their choice by the comparative lightness of their public burthens; and to entitle it to the admiration and respect of the world by the ~~co[illegible]~~ superior success of its operations. Although through the favour of an overruling & indulgent providence our Country is blessed with general

prosperity and our Citizens are
exempted from the pressure of
taxation which other & less
favoured portions of the human
family are obliged to bear; it
is nevertheless true that the taxes
collected from our Citizens through
the medium of imposts have
for a long time been of a
very onerous character. In
many particulars ~~to~~ those taxes
have borne, severely, upon the laborious
and less prosperous classes of
the community by their being
imposed upon the necessaries of
life; and that too in cases
where ~~the~~ pressure of their
imposition was not relieved
by the consciousness that their
present burthens would in their
ultimate effects contribute
to make us independent

of foreign nations for articles of prime necessity by the encouragement of their growth and manufacture at home. These taxes have been cheerfully paid because they were necessary to the support of Government and the payment of debts unavoidably incurred in the acquisition and maintenance of our national rights & liberties. But have we a right to calculate on the same cheerful acquiescence, when it is known that the necessity for their continuance would cease, were it not kept up by irregular, improvident and unequal appropriations to the public funds. By the extinction of the national debt the people would be relieved from a great portion of the taxes they now pay - without

which it would be necessary to
continue for the support of
Government might be so arranged
as to contribute to the support
and encouragement of our
having
manufactures; still ~~in any~~
and that without oppression to any particular
n of the Country
~~ment~~ ^ ~~leaving~~ or constantly accu-
mulating a surpluss ~~[illegible]~~ fund
subject to the disposition of Congress.

Should such results be ~~made~~
effected, the question as to the
manner in which the Federal
Government can or ought to
~~could~~ embark in the construction
of roads & canals & the extent
to which they will continue or
impose burthens upon the people
for that ~~[illegible]~~ purpose may
be presented to them upon its own
merits, free from all disguises
and relieved from all embarrass-
ments

except such as spring from the Constitution. Assuming that those objects may be obtained and it appears to me to be neither extravagant or unreasonable to do so — would not our Constituents require that the course by which alone they can be effected shall be pursued. Ought they not to require it. I have no hesitation in saying that with the ~~very~~ best disposition to aid as far as I can conscientiously do so, whatever is proposed by Congress with the sanction of their constituents, in furtherance of works of Internal Improvement; my ~~[illegible]~~ Opinion is- nevertheless is, that the best and Soundest views of national policy point in that direction.

But ~~of~~ its influence upon the individual interests of our country is not the only nor the most interesting view of this course ~~subject~~. More much deeper is the interest it would acquire from its influence upon the character of our Government. What a sublime spectacle would this Republic present to an admiring world; if, super added to a comfortable & happy popula-

millions who

-tion of

are surpassed by none that the sun shines upon in any great & good quality — to resources almost unlimited — to political institutions which seem to

greatest degree of liberty that society
can endure & which requires only
to be honestly used to hand down
to posterity the blessings they
confer on the present generation.
She could also exhibit the unprece-
dented example of a nation in the
54th year of existence as a free
people, after having passed through
two protracted & onerous wars
with a great & powerful people.

the one for the acquisition of its liberties & the other for the maintenance of its ~~[illegible]~~ rights — without an national debt & with all ~~in the [illegible] of its Colonies~~ its immense resources, ~~to the~~ at the free & unfettered disposal of its Government. What an salutary influence would not such an ~~spectacle~~ exhibition exercise ~~in~~ on the course of liberal principles & free Governments throughout the world — what encouragement would it not give to our sister Republics of this Hemisphere

~~when we are now~~ engaged in
as they are in
an apparently hopeless struggle
to acquire the proud eminence
which we occupy. What ~~What~~
~~a contrast between results like~~
~~these~~ Is it probable that our
Constituents, will, when the
question is fairly honestly &
plainly put to them, hesitate
in their choice ~~in~~ between the
realization of results like these
the possibility of its failure by the
and, continuance ~~in the~~
of an
mortifying is not to say disreputable
scramble for detached appro-
priations ~~which are~~ without

reference to any general system —
the good effects of which must
of necessity be very limited —
~~[illegible]~~ which are too often
resorted to as successful expedients
to shift from individuals
upon the Government the
losses of unsuccessful private
~~whose~~
speculations & not unfrequently
urged for no other purpose than
~~[illegible]~~, to minister to personal
~~thus~~
ambition ~~& in every~~
& thus
~~all~~ ~~having a direct~~ tendency
to sap the foundations
of our Government and to
taint its administration
create a demoralizing ~~&~~

corrupting influence. S

~~Next~~ Another interesting
view of this Subject and the
only remaining one which it
to you at this time
is ~~also~~ my intention to present. is
that which involves the
expediency of ~~the Governt~~
entering upon a
embarking in a System of
Internal
improvements without a
previous amendment of the
Constitution, explaining and
~~the~~
defining, ~~be~~ precise powers
of the Federal Government
over the Subject. Assuming
~~that~~ the right to appropriate
money to objects of nation-
al

10. concern to be either warranted by the original text or to ~~be~~ result from contemporaneous and continued exposition & acquiescence, its ~~[illegible]~~ insufficiency for a successful prosecution of the object in view must be admitted by all candid men. If it be sustained on the ground of usage that will be found so variant, embracing so much which has been successfully overruled, & would not now be sustained, as to involve the whole subject in the most painful uncertainty by & to render ~~the~~ execution of our ~~[illegible]~~ respective duties replete with ~~[illegible]~~ difficulties and embarrassments. The general principle that the right to appropriate has

is not restricted by the right to carry into complete effect has as bee- have been been extensively acqui-esced in. It is in regard to ~~[illegible]~~ public ~~improvements~~ [illegible] of the acqui-sition of Territory that this practice has obtained its firm footing; In most if not all other disputed questions as to appro-priation the construction of the Constitution may be regarded as an open- if the right to apply money in the enumerated cases is placed on the ground of usage. This subject has to me been one of much and I may add painful reflection. It ~~supposes an intent~~ has bearings which cannot fail to exert a most powerful influence upon our hitherto prosperous system of of Government. It is one of the many

matters which can ever on public account excite despon-
dency in the breast of an American
Citizen. I will not detain you with
professions of zeal in the cause of
Internal Improvement. To be
their friendly ~~to them~~ is a virtue which
deserves particular commendation,
our country is ~~rich in such~~
blessed by an abundance of
that sentiment for I do not believe
~~that~~ there is ~~not~~ a sane man
in the nation who does not
wish to see them flourish. But
although all are in favour
of Internal Improvements all,
are not I trust regardless
of the means by which they
are promoted. ~~There~~ are
on the contrary I trust but
few so desperate as to
assume ~~by~~ so great a good

if it is to be obtained by a
violation of that sacred instru
upon the preservation of which rests
Countries hopes. If the ~~[illegible]~~
expectation ~~of any~~ ~~[illegible]~~ are fo
entertained in any quarters, wher
a different result — if it is belie
that the people of this country
reckless of their constitutional
obligations & professing their in
to principle will go for the
former regardless of the latter
such expectations will in
and be woefully disappo
If it be not so then in-dee
has the world but little to h
from the cause of free
Governments. If an honest
observance of a constitutional
compact cannot be obtained
communities like ours, it ca
be expected any where; and th
cause in which there has been
man martyred one & from wh

xx to man has been inflicted must be abandoned. The degrading truth that man is unfit for ~~free~~ self Government admitted, & the management of public affairs surrendered to those who claim authority beyond the ~~[illegible]~~ will of the people. But I entertain no such apprehensions.

If it is the wish of the people
the construction of roads &
within the States conducted
Canals should be ~~undertaken~~
by the ~~Govern~~ Federal Govt
~~that~~ it is not only neces-
sarily expedient but indispen-
sably necessary that a previ-
ous amendment of the constitution
conferring upon it the necessary
power, & restricting & defining
its exercise with reference
to ~~security~~ the sovereignty of the States
should be previously made.
~~That without an~~ Supposing
an ascertained disregard
of the Constitution nothing
extensively useful can

without it.
be effected. The right to exercise
as much
jurisdiction, ~~at least~~ as much
as is necessary to preserve it
the works &
to raise funds for the collection
them
of tolls for keeping ~~it~~ in
repair cannot be dispensed
with. The Cumberland road
road is a perpetual and
should be an instructive
~~lesson~~ admonition of the
consequences of acting without
it. ~~no general system~~ Which
one Congress may claim and
exercise the power, their
successor may deny it. To

the unavoidable consequence of sudden fluctuation of opinion must be unavoidably be fatal to any scheme which ~~could be~~ from its object & ~~character~~ nature intended to promote the interests & permanent the character of the country. The experience of the past has shown that the opinions of successive Congresses are subject to sudden fluctuations.

If it be the sincere desire of the people that the

agency of the National Govmt
should be confined to the
appropriation of money
in aid of works undertakings, in
virtue of State authorities.
then the occasion - the
manner & the extent of
such appropriations should
be made the subject of
Constitutional regulation.
It is necessary that this should
be so to make them as equal
equal & therefore equitable
among the States - to prevent
other parts of the Constitution
from being undermined by

12

the assumption of doubtful powers ~~on~~ & the too great extension of those which are not so, & to protect the whole ~~the~~ subject against the debauching & deleterious influence of combination through concert, to carry measures ~~which regard~~ considered by themselves would meet ~~with~~ but little countenance.

That ~~an~~ a constitutional adjustment of this whole matter ~~subject~~ upon equitable principles is in the highest clique desirable must be admitted & it cannot fail to be promoted by every sincere friend to the success & permanency of our political institutions. In no government in the world are appeals to the source of power in cases of real doubt more suitable than ours. What good motive can be assigned for the exercise ~~of an act~~ of power by the constituted authorities while those for whose benefit it is to be exercised have not given & are not [illegible]

~~un~~willing to give.‡ The difficulty and ~~by some~~ supposed impracticability of obtaining an amendment of the constitution in this respect is ~~[illegible]~~ primarily believed to a great degree unfounded in fact. I do not so understand the character of the American people. The time has never yet been when their intelligence & patriotism were not fully equal to the exigencies of the case & it never will be whenever

b. ‡ It would seem to me that an honest & sincerely felt apprehension of the concerted powers of the Government to the ~~[illegible]~~ ~~government~~ of the General & local. ~~[illegible]~~ a reasonable

Inserts a sufficient scope to satisfy ~~the~~ an ambition.

~~[illegible]~~

the Subject Matter calling
for their interposition and
is plainly & honestly pre
sented to them. To do so in
this way and & to urge them
to an early ~~[illegible]~~ grate
& full consideration of
its deep importance ran
in my estimation among
the ~~most acceptable~~ highest
am public
of the duties, ~~which the~~
~~[illegible] [illegible] any good citizen~~

The strong desire of those ~~more~~ immediately interested in the success of local appropriations has given rise to suggestions which I have heard with regret. I allude to the supposed connection between appropriations for Internal Improvements and the system of ~~protecting~~ promoting [illegible] for national defence, and the encouragement of our duties. My opinions upon the latter subject have been at all times freely communicated to those who had a right to know them.

That my ~~views of public duty~~ they have frequently placed me in those have ~~in this respect brought~~

~~me in collision of Sentiment~~ not only to ~~with~~ individuals, but ~~with~~ to whole communities, in whose patriotism I have unlimited confidence, and whose pours the strongest claims upon my esteem and gratitude has been to me a source of deep regret; but I trust that there has not been any thing in my public course which has exposed me to the ~~degrading~~ suspicion of being thought capable of sacrificing ~~my~~ views of public duty to personal considerations.

~~The encouragement of~~ to f ~~domestic~~ manufactures by means of protecting duties has received, and, as long as it is directed to National ends & supported on public grounds, it shall receive from me a temperate but steady support. I do not however ~~say~~ see ~~any~~ necessary ~~or proper~~ ~~such~~ the connexion between ~~them as~~ the two systems which is suggested. It appears to me on the contrary that the supposition of their mutual dependence [illegible] is calculated to bring the protecting system into ~~dis~~- ~~at~~ public disfavour. The grounds on which it has hitherto been sustained by its advocates ~~for~~ are - that it is not inconsistent with

the letter or Spirit of the Constitution
- that its origin is to be traced
to the assent of all the parties
to the original compact, and
that having the support and
approbation of a majority
of the people it is at least entitled
to a fair and full experiment.
The suggestions of which I may refer
to a forced continuance of the
national debt by means of
large & arbitrary appropriations
of the funds of the nation as
a substitution for the security
which the system derives from the
principles upon which it has
hitherto been sustained. would would
not Such a course be justly
construed to indicate either

an unreasonable distrust of
the people or a consciousness
that the system does not possess
sufficient soundness for its own
support? Is ~~there~~ ~~not cause~~
must not
~~to doubt~~ its claim upon public
unavoidably
confidence ~~would~~ of necessity be ~~greatly~~
thus
diminished by descending from
the high ground of principle
would
~~for~~ to an expedient which speaks
as plainly as language could
speak the belief of its friends,
that the system is not safe
when it rests upon the vol-
untary choice of the people.

Those who believe that any
policy can be long sustained
in this Country which is not
so founded have been

unprofitable observance of the
events. If the majority of the
people should think it wise and
just to ~~sustain~~ foster their own labour, by protecting
duties ~~taxation~~ after the nation al
debt is paid they will not be
at a loss for the means -
of them. should they think differently no
devices however specious
will induce them to do so.

Maysville Veto, May 27, 1830.

D's hand

various pages.

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Governments need be attempted, for there can be no local interest that may not with equal propriety be denominated national. It has no connection with any established system of improvements; is exclusively within the limits of a State, starting at a navigable point on the Ohio River and running out sixty miles to an interior town: and, as far as the State is interested, conferring partial instead of general advantages. #

But altho' I might not feel it to be my official duty, to interpose the Executive veto to the paſsage of a Bill appropriating money for the construction of such works as are authorised by the States and are national in their character, I do not wish to be understood as expreſsing an opinion that it is expedient at this time for the General Government to embark in a system of this Kind: and anxious that my constituents should be poſseſsed of my views upon this as well as upon all other subjects which they have committed to my discretion, I shall state them frankly and briefly. Besides many minor considerations there are two prominent views of the subject which have made a deep impreſsion on my mind; which I think are well entitled to your serious consideration and will I hope be maturely weighed by the people. From the official comm=

=uni=]

5th Sheet. 2 page

§ Considering the magnitude & importance
of the power, and difficulties, and embarrass=
=ments to which, from the very nature of
the thing, its exercise must necessarily be
subjected, the real friends of internal
improvement ought not to be willing
to confide it to accident and chance —
What is properly *national* in its cha=
=racter or otherwise, is an enquiry, which
is often extremely difficult of solution —
The appropriations of one year for an
object which is considered national
may be rendered nugatory by the refusal
of a succeeding congress to continue
the work, on the ground that it is local —
No aid can be derived from the intervention
of Corporations — The question regards
the character of the work to be done, not
that of those by whom it is to be accomplished
— Notwithstanding the union of the
Government with the corporation
by whose immediate agency any
work of internal improvement is
carried on, the enquiry will still re=
=main, is it national and conducive
to the benefit of the whole — or *local*
and operating only to the advantage
of a portion of the union.

Governments need be attempted; for there can be no local interest that may not with equal propriety be denominated national. It has no connection with any established system of improvements; is exclusively within the limits of a State, starting at a ~~navigable~~ ~~point~~ point on the ~~where it is navigable~~ Ohio river, and running out sixty miles to an interior town; and, as far even as the State is interested, conferring partial instead of general advantages.

Considering the magnitude and importance of the power, and the difficulties and embarrassments to which from the very nature of the thing, its exercise must necessarily be subjected, the real friends of internal improvement ought not to be willing to confide it to accident and chance. What is properly national in its character, or otherwise, is an enquiry which is often extremely difficult of solution. The appropriations of one year, for an object, which is considered national, may be rendered nugatory by the refusal of a succeeding Congress to continue the work, on the ground that it is local. No aid can be derived from the intervention of corporations. The question regards the character of the work to be done, ~~and which~~ ~~that of those~~ ~~State~~ by whom it is to be

(ae)

accomplished. Notwithstanding the union of the Government with the corporation by whose immediate agency any work of internal improvement is carried on, the inquiry will still remain, is it national and conducive to the benefit of the whole; or local and operating only to the advantage of a portion of the union.

But altho I might not feel it to be my official duty, to interpose the executive veto to the passage of a Bill appropriating money for the construction of such works as are authorised by the States and are national in their character, I do not wish to be understood as expressing an opinion, that it is expedient at this time, for the General Government to embark in a system of this kind: and anxious that my constituents should be possessed of my views, on this, as well as on all other subjects, which they have committed to my discretion, I shall state them frankly and briefly. Besides many minor considerations there are two prominent views of the subject which have made a deep impression upon my mind, which I think are well entitled to your serious attention, and will I hope be maturely weighed by the people. [From the official com=

(muni)

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=unication submitted to you, it appears, that if no adverse and unforseen contingency happens in our foreign relations, and no unusual diversion be made of the funds set apart for the payment of the national debt, we may look with confidence to its entire extinguishment in the short period of four years. The extent to which this pleasing anticipation is dependent upon the policy which may be pursued in relation to measures of the character of the one now under consideration, must be obvious to all; and equally so, that the events of the present session are well calculated to awaken public solicitude upon the subject. From the Statement, by the Treasy Dept ~~of the Register of the Treasury~~ and those of the Clerks of the Senate and House of Repre=sentatives, herewith submitted, it appears that the bills which have passed into laws and those which in all probability will pass before the adjournment ~~after the 20th inst~~. an=ticipate appropriations which will exceed the amount in the Treasury for the year 1830 by ~~the~~ a Large sum of rising of a & half an $780.000.00. Thus whilst we are diminishing the revenue by a reduction of the duties on Tea coffee and Cocoa, the appropriations for internal improvement are increasing consid=erably beyond the available means of the

(Treasury,

Treasury: and if to this calculation be added the amounts contained in Bills which are pending before the two Houses, it may be safely affirmed that ten millions of dollars would not make up the excess over the Treasury receipts, unless the payment of the national debt be postponed, and the means now pledged to that object applied to those enumerated in these bills. Without a well regulated system of internal improvement this exhausting mode of appropriation, is not likely to be avoided: and the plain consequence must be, either a continuance of the national debt, or a resort to additional taxes.

Although many of the States, with a laudable zeal, and under the influence of an enlightened policy, are successfully applying their separate efforts to works of this character, the desire to enlist the aid of the General Government in the construction of such, as from their nature ought to devolve upon it, and to which the means of the individual States are inadequate, is both rational and patriotic; and if ~~it~~ that desire is not gratified now, it does not follow that it never will be. The general intelligence and public spirit of the American people furnish a sure guarantee, that at the proper time this policy will be made to prevail

(under)

of a republic of more than twelve millions of happy people, in the fifty fourth year of her existence, after having paſsed thro two protracted wars, the one for the acquisition and the other for the maintenance of liberty — free from debt, and with all her im=mense resources unfettered! What a salutary influence would not such an exhibition exercise upon the cause of liberal principles, and free Government throughout the world! Would we not ourselves find, in its effect, an additional guaranty, that our political institutions will be trans-mitted to the most remote posterity, without decay? A course of policy destined to witneſs events like these, cannot be benefitted by a Legislation which tolerates a scramble for ~~detached~~ appro-priations that have no relation to any general system of improvement, and whose good effects must of neceſsity be very limited. In the best view of these appropriations, the abuses to which they lead far exceed the good which they are capable of promoting. They may be resorted to as artful expedients, to shift upon the Government the loſses of unsucceſsful private speculation, and thus, by ministering to personal ambition & self aggrandizement, tend to sap the foundations of ~~the~~ public virtue and

(taint,

taint the administration of the Government with a demoralising influence.

In the other view of the subject, and the only remaining one, in which it is my intention to present at this time, is involved the expediency of embarking in a system of internal improvement, without a previous amendment of the constitution, explaining and defining the precise powers of the Federal Government over it. Assuming the right to appropriate money, to aid in the construction of national works, to be warranted by the contemporaneous and continued exposition of the constitution, its insufficiency for the successful prosecution of them: must be admitted by all candid minds. If we look to usage to define the extent of the right, that will be found so variant, and embracing so much that has been overruled, as to involve the whole subject in great uncertainty, and to render the execution of our respective duties in relation to it, replete with difficulty and embarrassment. It is in regard to such works, and the acquisition of additional Territory, that the practice obtained its first footing. In most, if not all other disputed questions of appropriation, the construction of the constitution may

(be)

be regarded as unsettled, if the right to apply money in the enumerated cases, is placed on the ground of usage.

This subject has been one of much, and, I may add, painful reflection to me. It has bearings that are well calculated to exert a powerful influence upon our hitherto prosperous system of Government, and which on some accounts, may even excite despondency in the breast of an American citizen. I will not detain you with professions of zeal in the cause of internal improvements. If to be their friend is a virtue, which deserves commendation, our country is blessed with an abundance of it; for I do not suppose there is an intelligent citizen, who does not wish to see them flourish. But though all are their friend, but few I trust are unmindful of the means by which they should be promoted: none certainly are so degenerate as to desire their success, at the cost of that sacred instrument, with whose preservation is indissolubly bound our country's hopes. If different impressions are entertained in any quarter; if it is believed that the people of this country reckless of their constitutional obligations, will prefer their

local,

local interest to principle, such expectations will in the end be disappointed: or, if it be not so, then indeed has the world but little to hope from the example of free Government. When an honest observance of constitutional compacts, cannot be obtained from communities like ours, it need not be expected elsewhere; and the cause in which there has been so much martyrdom, and from which so much was anticipated by the friends of liberty, may be abandoned, and the degrading truth, that man is unfit for self Government, admitted. And this will be the case consequen [illegible] if expediency be ~~of~~ made a rule of construction in interpreting the constitution. Power, in no Government, could desire a better shield for the insidious advances which it is ever ready to make, upon the checks ~~that~~ are designed to restrain its action.

But I do not entertain such gloomy apprehensions. If it be the wish of the people that the construction of roads and canals should be conducted by the Federal Government, it is not only highly expedient, but indispensably necessary, that a previous amendment of the constitution, delegating the necessary power, and defining and restricting its exercise, with

(=refer=)

present a sufficient scope to satisfy a reasonable ambition. The difficulty and supposed impracticability of obtaining an amendment of the constitution in this aspect, is I firmly believe, in a great degree, unfounded. The time has never yet been when the patriotism and intelligence of the American people, were not fully equal to the greatest exigency, and it never will, when the subject calling forth their interposition is plainly presented to them. To do so with the questions involved in this bill, and to urge them to an early, zealous and full consideration of their deep importance, is, in my estimation, among the highest of our duties.

A supposed connection between appropriations for internal improvements, and the system of protecting duties growing out of the anxieties of those more immediately interested in their success, has given rise to suggestions which it is proper I should notice on this occasion. My opinions on these subjects have never been concealed from those, who had a right to know them. Those which I have entertained on the latter have frequently placed me in opposition to individuals, as well as communities, whose

(claims,

alluded refer to a forced continuance of the national debt by means of large appropria=tions as a substitute for the security which the system derives from the principles upon which it has hitherto been sustained. Such a course would certainly indicate either an unreasonable distrust of the people, or a consciousness that the system does not possess sufficient soundness for its support, if left to their voluntary choice and its own merits. Those who suppose that any policy thus founded can long be upheld in this country have looked upon its history with eyes very different from mine. This policy like every other must abide the will of the people who will not be likely to allow any device however specious to conceal its character and tendency.

In presenting these opinions I have spoken with the freedom and candour which I thought ~~called~~ the occasion for their expression called for; and now respectfully return the bill which has been under consideration, to your further deliberation and judgement

J's draft of concluding
portn. of Maysville Veto
Message, 27 May 1830.

Not used -

In presenting these opinions I have spoken freely & frankly, it is due to myself that I should do so. Of what avail is it to pursue any other course, and by a sacrifice or concealment to obtain the approbation of those who may entertain a belief, that the constitution is broad enough to cover any & every expenditure of public money. Whilst the approbation of my fellow citizens will be always gratifying ~~[illegible]~~ to me, it can only be so when ob:tained without the sacrifice of princi:ple, or the best interest of my country.

My earnest desire is that the country in which I have lived and in which I shall die, which secures to every man freedom in its broadest sense of right, may avoid every thing that may lead to consolidation and proceed on prosperous & flourishing that posterity may come to the glorious inheritance which our forefathers procured by their blood & treasure, and bequeathed to us. These results are only to be obtained by adhering strictly to the land marks & principles of the constitution, as by the States, they have been established. The sages who formed ~~an constitution~~ it, viewed it as one of ex:periment & provided for its amendment; if therefore at any time it is conceived that the powers granted are too limited, apply to the people, and they will if they so think, enlarge them, if too enlarged

they will permit them; these alterations
of [illegible] & augments to be
~~having~~ for their prosperity they will not
it
refuse to grant ~~the application~~ where they
believe the object is proper. But to pre-
serve in safety the benefits now enjoyed
every thing of forced construction, and
usurpation must be avoided, for
when once commenced, it will
be difficult to say, or even conjecture
where they may end, or what evil
consequences may not arise from
them, to disturb the future repose
of our happy country. Encroach-
ments and power, always move onward
they never voluntarily retreat, and
once advanced position being gained,
will be relied on as a means of succeeding
to the possession of another, & stronger
landmarks of the
one, until the ~~definite partition~~ of
powers between the general & State
be
Governments, would be entirely des-
troyed by the extension of the construc-
tive powers of Congress. Therefore I
have withheld my signature from
the bill, not doubting, but the beneficial
objects will be obtained by a resort for
the necessary powers, to the States and
to the people, who never will withhold
powers, when to be exercised, for
their prosperity & happiness.

Andrew Jackson

May 27, 1830
Maysville Veto

Portn of final text in
Jackson's hand - introductn

~~R. II. 483-84~~

✓ first sheet 2d page

In the message, which was presented
to congress at the opening of its present
session, I endeavoured to exhibit briefly
my views, upon the important and
highly interesting subject, to which our
attention is now to be directed. I was
desirous of presenting to the Representatives
of the several States in congress assembled,
the enquiry whether some mode
could not be devised, which would reconcile the diversity of opinion
concerning the powers of this government
over the subject of internal improvement, and the manner in which
those powers, if conferred by the Constitution, ought to be exercised. The act
which I am called upon to consider,
has therefore been passed with a
knowledge of my views on this question,
as these are expressed in the message
referred to. In that document, the
following suggestions will be found.

Message

"After the extinction of the public debt,
"it is not probable that any adjustment
"of the tariff, upon principles satisfactory
"to the people of the union, will until
"a remote period, if ever, leave the Government
"without a considerable surplus in the
"Treasury, beyond what may be required
"for its current service. As then the period
"approaches when the application of the
"revenue to the payment of debt will
"cease, the disposition of the surplus will
"present a subject for the serious deliberation of Congress; and it may be

"be fortunate for the country that it is yet
"to be decided. Considered in connection with
"the difficulties which have heretofore at-
"tended appropriations for purposes of
"internal improvement; and with those
"which this experience tells us will certainly
"arise, whenever power over such sub-
"jects may be exercised by the General
"Government: it is hoped that it may lead
"to the adoption of some plan which
"will reconcile the diversified interests
"of the States, and strengthen the bonds which
"unite them. Every member of the
"Union, in peace & in war, will be be-
"nefitted by the improvement of inland
"navigation, and the construction of high
"ways in the several States. Let us then
"endeavour to attain this benefit in
"a mode which will be satisfactory to
"all. That hitherto adopted has by many
"of our fellow citizens, been deprecated
"as an infraction of the constitution,
"while by others it has been viewed as
"inexpedient. All feel that it has been
"employed at the expense of harmony
"in the legislative councils." And loo-
-king for the constitutional power
of Congress, to make what I considered
a safe, just and federal disposition
of the surplus revenue," I subjoined
the following remarks. "To avoid these
"evils, it appears to me that the most safe,
"just, and federal disposition which
"could be made of the surplus revenue,
"would be its apportionment among the
"several States according to their ratio of
"representation; and should this measure
"not be found warranted by the constitution

"that it would be expedient to propose to
"the States an amendment authorizing
"it

"watchful and auxiliary operations of
in the authorities. This is not the re-
the

2nd Annual Message

Drafts of introduction

[cf. date of [illegible] in (?)
letter [illegible]]

(~~Dec~~ 3d 1829)

Page 28.

Fellow citizens of the Senate
and House of Representatives

It affords me great pleasure to ~~[illegible]~~ the tender of my friendly greetings to you in the occasion of your again assembling at the seat of Government to enter upon those important duties to which you have been called by the voice of your constituents ~~and~~ I take this occasion to congratulate ~~to~~ you on the ~~pros~~ prosperous and happy state of our beloved Country, ~~on the [illegible]~~ of plenty, at peace with all nations ~~[illegible]~~ and general good ~~[illegible]~~ health & prosperity, are blessings for which we ought render thanks to the great disposer of events and ~~continue~~ to offer up our supplications at a throne of grace for a continuance of those blessings

Washington October 12th 1830

Sir:

The bearer Mr

2nd Annual Message ?

Outline by J.
follows very closely the
Content of Message # 1 -
quite unnecessarily

(Conclusion)

The message—

1st Introduction

2d our Foreign relations ~~concerns~~—

3d The amendment of the constitution &c—

4th ~~The~~ state of our country, agriculture com=merce & manufacturing [illegible] and operation of the Tariff, gradual [illegible] of duties &c so as to place our own on a fair competition with other countries

5th The Treasury— [illegible] long credits injurious to our revenue— & ~~the~~ more [illegible] for [illegible] — [illegible] The [illegible] [illegible] Treasury— debtors to the Govt—

6. War Department— Military accademy— Indians— The course pursued since last session under The act of Congress— The result—

7th The Navy Department— it improvement— The case of the John Adams— Marine corps— recommend the pay of the Navy officers placed on the same footing as the army

8th Vid Post office Department—

9th Call their attention to the Judiciary & refer to message of last year

10th The census being taken, a law apportioning the representatives— The Bank of the U. S. again brought to view & my former message referred to

(conclusion)

I now fellow citizens re-commend you to
the protection & guidance of almighty
god, in a full reliance on his goodness
for the maintainance of our free
institutions, ~~and~~ with an earnest and ardent
appeal to him, that whatever errors
~~I~~ may commit in discharge of
the important duties which devolve on me
may find a corrective in the
united harmony and wisdom
of your deliberations

2nd Annual Message

Outline big)

Introduction –

Foreign affairs – west india Trade –

Black sea treaty with Turkey .... –

Russia –

The Light House &c

& Portland bills.... – Noted, sentence constitution will soon afford an oppor=tunity of choosing another [illegible] attention suggested [illegible] Bonnen – to be [illegible] out

Constitution – –

Indians –

Tariff –

public debt – & revenue – Treasury –

war Dept –

Navy Dept

postmaster Genl

atto – Genl & solicitor & –

District of Columbia

Bank of the united States

The conclusion, in the form of last message –

Page 90 conclusion

In conclusion (I wish [illegible]) fellow citizens I invite your deliberation that liberality & kind feelings to the differences [illegible] & for [illegible] & in behalf of [illegible] a continuance of those especial favors which an indulgent providence has so [illegible] extended

Library of Congress

2nd ~~3rd~~ Annual Message

AJD's rough sketch of whole message — pencil add^{s} by J.
[The 2 refs. to Indian & insolvent laws passed last sess^{n} suffice to date it]

Or 2nd ,,

Fellow citizens of the Senate and House of Representatives

Library of Congress

The revolution of another year brings us together as constitutional agents in the advancement of the prosperity and happiness of our common country. In no period of our national existence have we had greater reason than now to thank him who holds the destinies of men in his hands for past favors and for the prospect of future blessings. Whilst in other countries vicissitudes springing from the instabilities of Government and the conflicting interests of nations are producing war and diminishing in other respects the aggregate of social happiness, we have the satisfaction of contemplating our own as not only free from such calamities but as realizing with wonderful success the efficacy of those great principles by which the powers of Government are made the instrument of freedom, and of its highest and best gifts, virtue and happiness to the people who enjoy it.

To congratulate you, my fellow citizens, upon the auspicious circumstances under which you have now assembled as a branch of the Federal Legislature, is only to remind you of the obligations which they impose. Flourishing and happy as our condition is we cannot flatter ourselves that there is not room for its improvement – that there is not mingled with it causes of imperfection and decay which require counteraction in order to insure the continuance of our blessings.

To search out these and apply the necessary reforms, to cement our Union, and to cherish the fundamental principles of our Government, are duties which can never cease to give the fullest scope to the patriotism and wisdom of our statesmen: but there can be no period more propitious to their execution than the present, which finds us free from every foreign embarrassment, at peace with all the world, and at home enjoying the richest evidences of general prosperity. In adverting to these duties and the favorable auspices under which I am allowed to survey them, I feel an increasing sense of the importance of harmony and good will in your deliberations and of corresponding obligations on my own part where the cooperation of the Executive is necessary

In my communications to the Twenty first Congress I had occasion to enter fully into the examination of several important questions connected with the discharge of our duties, which at this stage of the Government still occupy the most prominent ground and have special claims upon our attention. There is not however the same necessity for my dwelling minutely upon them: and I shall therefore confine myself on this occasion chiefly, to presenting you with a view of our affairs, and inviting

2

your attention to such measures as in the administration of the Executive department of the Government, I have been led to take as called for by the interests of our constituents ~~subjects~~: with a brief review of the progress that has been made in some of them, and of what remains to be done.

In our intercourse with foreign nations it has been my steady object to maintain the national honor, preserve peace, extend the range and improve the condition of our foreign commerce: and obtain redress for past infractions of the rights of our fellow citizens with all practicable guaranties for their future security and respect. (here wait for Mr. Livingston's report.)

Among the most important and not the least difficult of the trusts assigned to the Executive is that which embraces the care and protection of the Indian tribes within our borders. With the aid of the law passed at the last session of Congress providing for the removal and settlement of this unfortunate class of people west of the Mississippi, much has been done to lessen the miseries of their condition and avert the extinction which so certainly awaited them as occupants of Territories subject to the jurisdiction of the States.

(Here insert what has been done. and some general remarks felicitating Congress that all causes for future collision between the Fed. Govt. and the states, on this subject are removed)

Another prominent object to which my attention and efforts have been directed, has been the payment of the national debt at the earliest possible period and by means the least burthensome to the people. To secure the ability of the Government to effect this object, to secure the constitution from violation and the union from discord, and to promote the purity of Federal Legislation, I have felt it to be my duty to withhold my sanction of all expenditures of the common fund for local objects, and to recommend the postponement, with unavoidable exceptions, of all appropriations for improvements of a national character which congress may deem warrantable, until the public debt be paid, and some general system digested by which an honest, equitable and salutary disposition of the surplus funds of the nation, when such may exist, can be made. In the soundness and justice of this policy I am confirmed by subsequent reflection upon it, and by the belief that it meets the wishes of our constituents.

Connected with this policy may be added the protective operation of our impost duties. The scale to which it may be reduced so as to give it the stability essential to its usefulness at the same time that it is accommodated to the interests of those who believe that from their local situations they cannot share its benefits, will not become practicable until the payment of the national debt. An adjustment of the Tariff then with a view to the wants of the Government will involve but few questions of difficulty. Its protective operation limited by national not private ends, may avoid the injustice of ruining by sudden changes such of our fellow citizens as have been induced to invest their capital and labour in branches of industry which would otherwise have remained unoccupied (here may be inserted calculations about the payment of the debt, and such reflections as may be proper arising out of the report of Mr. McLane)

It was among the earliest of the recommendations which I made to the preceding Congress to modify our Judiciary system so as to make it subserve better the purposes of its institution. It does not secure to the States alike what they are all equally entitled to an able and impartial administration of justice in civil and criminal cases. An omission so important cannot fail to awaken your attention and will I trust receive the proper correction.

B I have also endeavoured to introduce several changes in the service of the army and navy calculated to perfect it.

B permit me here to draw your attention to the insolvent law passed last session of Congress and recommend that it be so amended as every honest debtor to the United States may receive the benefit thereof.

but the most important of these cannot be effected without the aid of Congress. I cannot too earnestly recommend to your attention the necessity of placing the nature and amount of the compensation of the officers, under any circumstance, on the footing of positive, specific statute regulation which shall render them wholly independent of all branches of the executive and secure a faithful administration of the affairs of the Government. Not the least of the good effects of this measure would be its circumscribing within the narrowest possible limits all official discretion in the auditing and settling of accounts — a discretion which is every where the most fruitful source of favoritism and prodigality, if not peculation. It would also preserve to the officers habits of scrupulous integrity and lofty independence without which military men cease to be respectable.

2nd Annual Message

Hand of N.P. Trist

Const. amendmt. sectn

~~R. II. 518.~~

The Library of Congress

Among the objects of domestic concern, I cannot forbear to bring to your consideration, as first in importance, that part of the constitution which relates to the election of chief Magistrate. The necessity for an alteration of the present mode, has been made so clear by experience of its evils, as well as the many able discussions which these have elicited on the floor of Congress & elsewhere, that I feel I should be wanting in a proper solicitude ~~for~~ in the value of our institutions, if I omitted to recommend the adoption of some new provision, for the exercise by the People, of this important attribute of their sovereignty. Our system fortunately contemplates this recurrence to first principles, without endangering its harmony, or interrupting the operation of the Government: differing, in this particular, from all that have preceded it; and thus secured, it is to be hoped, against that decay which has marked the progress of every former republic. Our fellow citizens too, who have kept steadily in view, the principles on which our system is founded; when they perceive ~~the~~ incompetent action of any part, ~~[illegible]~~, do not require to be reminded of the duty which they owe to themselves to correct it. While they are sensible that every ~~abuse~~ evil arising in the exercise of power, is not necessarily indicative of defective organization; and that temporary causes may sometimes, without calling for interference, give to one or more of the political elements an undue preponderance over others: yet, when the habitual recurrence of ~~these~~ such evils, or a single instance traced to its source, manifests an organic defect; this should ~~evil~~ ~~will~~ not, surely, ~~be suffered to remain~~, through too scrupulous a veneration for the work of our ancestors, be suffered to remain. The framers of the Constitution considered it an experiment, committed to the virtue & intelligence of the great mass of their countrymen, in whose ranks they themselves also were to perform

Presid^t & V. Presid^t

2nd Annual Message

D.

Printer's Copy

Const. Amdmt. Sectn

~~R. II. 518~~

These 2 sheets have been torn apart - the edges fit

2nd Annual Message

D's hand - apparently printer's copy

Const. Amendmt. Sectn

~~R. II. 518-19.~~

2d Annual Message

D.

Const. Amend. Sectn.

Final Text

~~R. II. 519~~

16

amendment of the constitution

Bruce

among the objects of great national concern I cannot omit to press again upon your attention that part of the constitution which regulates the election of President and Vice President. The necessity for its amendment is made so clear to my mind, by observation of its evils and by the many able discussions which they have elicited on the floor of Congress and elsewhere, that I should be wanting to my duty were I to withhold another expression of my deep solicitude upon the subject. Our system fortunately contemplates a recurrence to first principles: differing in this respect from all that have preceded it; and securing it, I trust, equally against the decay and the commotions which have marked the progress of other Governments. our fellow citizens too, who, in proportion to their love of liberty, keep a steady eye upon the means of sustaining it, do not require to be reminded of the duty they owe to themselves to remedy all essential defects in so vital a part of their system. While they are sensible that every evil attendant upon its operation is not necessarily indication of a bad organization, but may proceed from temporary causes; yet

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the habitual presence or even a single instance
of evils which can be clearly traced to an
organic defect will not, I trust, be overlooked
through a too scrupulous veneration for the
work of their ancestors. The constitution was
an experiment committed to the virtue and
intelligence of the great mass of our countrymen,
in whose ranks the framers of it themselves
were to perform the part of patriotic observation
and scrutiny - and if they have passed from
the stage of existence with an increased
confidence in its general adaptation to our
condition, we should learn from authority
so high the duty of fortifying the points in
it which time proves to be exposed, rather
than be deterred from approaching them
by the suggestions of fear or the dictates of
misplaced reverence.

A provision which does not secure
to the people a direct choice of their Chief
Magistrate; but has a tendency to defeat
their will, presented to my mind such an
inconsistency with the general spirit
of our institutions, that I was induced

to suggest for your consideration the substitute which appeared to me, at the same time, the most likely to correct the evil and to meet the views of our constituents. The most mature reflection since, has added strength to the belief that the best interests of our country require the speedy adoption of some plan calculated to effect this end. A contingency which sometimes places it in the power of a single member of the House of Representatives to decide an election of so high and solemn a character, is unjust to the people, becomes, when it occurs, a source of embarrassment to the individuals thus brought into power, and a cause of distrust of the representative body. Liable as the confederacy is from its great extent, to parties founded upon sectional interests and to a corresponding multiplication of candidates for the Presidency; the tendency of the constitutional reference to the House of Representatives is, to devolve the election upon that body in almost every instance, and, whatever choice may then be made among the candidates thus presented to them, to swell the influence of particular interests to a degree inconsistent with the general good. The consequences of this feature of the constitution appear far more threatening to the peace and integrity of the Union, than any which I can conceive as likely to result from the simple legislative action of the Federal Government.

C. Disptly

It was a leading object with the framers of the constitution, to keep as separate as possible the action of the Legislative and executive branches of the Government. To secure this object, nothing is more essential than to preserve the former from the temptations of private interest; and therefore so to direct the patronage of the latter as not to permit such temptations to be offered. Experience abundantly demonstrates that every precaution in this respect is a valuable safeguard of liberty; and one which my reflections upon the tendencies of our system incline me to think should be made still stronger. It was for this reason that, in connection with an amendment of the constitution removing all amend. Con. continued —

intermediate agency in the choice of the President, I recommended some restrictions upon the re-eligibility of that officer and upon the tenure of offices generally. The reason still exists; and I renew the recommendation, with an increased confidence that its adoption will strengthen those checks by which the constitution designed to secure the independence of each department of the government, and promote the healthful and equitable administration of all the trusts which it has created. The agent most likely to contravene this design of the constitution is the Chief Magistrate. In order particularly, that his appointment may, as far as poſsible, be placed beyond the reach of any improper influences - in order that he may approach the solemn responsibilities of the highest office in the gift of a free people uncommitted to any other course than the strict line of constitutional duty; and that the securities for this independence may be rendered as strong as the nature of power and the weakness of its possessor will admit, I cannot too earnestly invite your attention to the propriety of promoting such an amendment of the constitution as will render him ineligible after one term of service.

2nd Annual Message

D's draft - correctns in text by Eaton - revisions at side by Trist.

1st page with revisns, nearly final text -

Const Amend Sectn.

~~Ro. II. 578:-19~~

2nd page - text far less final.

3rd page - much alteratn

No. 3

Amendment of the Constitution

to remedy ~~the imperfections~~ all essential defects in [illegible] a part of their system. While they are sensible that [illegible] attendant upon ~~the [illegible]~~ of its operation is not necessarily indicative of a bad organization; ~~and that~~ but may proceed from temporary causes: ~~may give to one or more of its parts yet the habitual presence of evils~~ yet the habitual presence, or even a single instance, of evils which can be clearly traced to an organic defect will not be disregarded ~~from~~ through a too scrupulous veneration for the work of their ancestors.

Library of Congress

Among the objects of great national ~~domestic~~ concern I cannot omit to press again upon your attention the views which I submitted in my last annual message in recommendation of a change of that part of the constitution which provides for the election of President and vice President of the U States. The necessity for an alteration of the present mode of electing these officers is made so clear by the experience of its evils and the many able discussions have taken place which they have elicited on the floor of Congress and elsewhere, that I feel I should be wanting in a just respect for the principles of our institutions were I to withold another expression of my solicitude for the adoption of some other mode of exercising this important power ~~attribute of government~~. Our system fortunately contemplates ~~the~~ a recurrence to ~~its~~ first principles (without endangering ~~its~~ its stability harmony) ~~or interrupting the its operation of the Government~~, differing in this respect from all that have preceded it, and securing it, I trust, against that ~~imperfection and~~ decay which have marked the progress of ~~all~~ former republics. Our fellow citizens too, who, in proportion to their love of liberty, keep a steady eye upon the means of sustaining

Among the objects of great national concern, I cannot omit to press again upon yr. attentn. that part of the constitutn. which ~~provides for~~ regulates the electn. of P. & V. P. – The necessity for ~~an alterat of it here~~ its amendmt. is made so clear to my mind by observatn. of its evils & by the many able discussns. which they have elicited on the floor of congress & elsewhere, that I shd. be wanting to my duty were I to withhold another expressn. of my solicitude ~~for the adoption of some other mode of exercising this important power~~. on the subject. Our system fortunately ~~provides~~ contemplates, a recurrence to first principles; (witht. endangering its stability): differing in this respect from all that have preceded it; and securing it, I trust, equally against the decay & the commotions which have marked the progress of other governments.

it, do not require to be reminded of the duty they owe to themselves of to correct the imperfect incompetent action of so vital a part of their system. While they are sensible that every abuse injurious effect in the exercise of delegated power is not necessarily ~~an~~ evidence indication of a bad organization; of its constituent parts, and that, even under some circumstances, temporary excitement may give causes to one or more parts of a system ~~to one or more of these~~ parts an undue influence, without calling for a change; ~~in the system~~; yet the habitual presence ~~appearance~~ of these evils (or a single instance of ~~one~~ of them which can be clearly traced to an organic defect) will not be disregarded (or suffered to remain) from a too scrupulous veneration for the work of their ancestors. The constitution was (accepted as) an experiment and committed to the virtue and intelligence of the great mass of our countrymen whose duty it becomes, to correct all imperfections when fully & clearly ascertained in whose ranks the framers of it themselves were to perform the part of ~~scrutinizing~~ and patriotic observation & scrutiny; and if they have passed from the stage of existence with an increased confidence in its general adaptation to our condition, we should learn from authority so high ~~sacred~~ the duty of fortifying the points in it which susceptible of territorial divisions founded upon sectional interests

an union of interests sufficiently strong to make the constitutional will of a majority of the States and the people, as represented in Congress the Senate and House of Representatives. an unsafe expositor of the reserved rights of the States and the interests of the country, can never be formed, or if formed, will never be lasting. But

In the election of President and Vice President by the House of Representatives, the voice of the people is seldom ~~un~~heard, or if heard and obeyed by each elector representing truly those from whom he derives his power, it will may still almost inevitably happen that those officers acquire their stations without the sanction of the public will: Wanting the authority of public opinion in the origin, they cannot expect its support in the progress of their administration, and the country will ever be distracted by discontent and excited by recrimination time proves to be ~~exposed~~ defective, rather than be deterred from approaching them by the suggestions of fear or the dictates of misplaced reverence.

A provision in the constitution which does not secure to the people a direct and free ~~unbiased~~ choice of their chief Magistrate, but which has a tendency to defeat their will, presented to my mind such an ~~opposition to~~ inconstancy with the general spirit of our institutions that I was induced ~~in my last message~~ to ~~submit~~ suggest for your consideration the substitute which appeared to me, at the same time, the most likely to meet the views of our constituents. and ~~at the same time~~ to correct the evil. The most mature reflection since, upon this subject, has added strength to ~~confirms me still more strongly in~~ the belief, that the best interests of our country ~~will be promoted by~~ require the speedy adoption of some plan calculated to ~~attain the~~ ~~certainly~~ effect this end. ~~of a choice by the people~~ ~~same object~~ A contingency which sometimes places it in the power of a single member of the House of Representatives to decide an election of so high and solemn a character, ~~or that of chief Magistrate~~ is unjust to the people, becomes when ~~(occurred)~~ when it occurs a source of embarrassment to the officers created by it

~~it occurs~~

the election / ~~these~~

and a cause of distrust and reproach of the Representative body. Composed as the confederacy is, of so many independent states, susceptible of classification according to their location into sections having ~~of~~ peculiar interests, the tendency of a ~~the~~ resort to the House of Representatives in case of no election by the people, will be first to make it necessary at any election ~~the exercise [illegible]~~ by the multiplication of candidates, and ultimately to swell the force of these sectional interests beyond the restraints of patriotism and the just rights of the minority. In this respect the bias which may be given to the election franchise is far more threatening to the peace and integrity of the union than any which I can conceive as likely to result from the simple legislative action of the Federal Government. A union of interests sufficiently strong to make the constitutional will of a majority of the people an unsafe expositor of the reserved rights of the states, can never occur without a process in which the power of the people at the polls will be contravened ~~absorbed~~ by their representatives in the intermediate steps now necessary to the election of President and Vice President

P [It was ~~a leading~~ object with the framers of the constitution to keep as separate as possible the action of the Legislative and executive branches of the Government. — to secure ~~hold~~ ~~withdraw from~~ the first the temptation of private interest ~~in the subject of legislation~~, and to direct ~~divert~~ the patronage of the other into channels not yet occupied by political agents]. Experience abundantly demonstrates, that every precaution in this respect, is a valuable safeguard of liberty; and one which my reflections upon the tendencies of our system incline me to think should be made still stronger. It was for this reason, that (~~I recommended~~) in connection with an amendment of the constitution ~~[illegible]~~ for removing all intermediate agency in the choice of President, I recommended in the event of its failure, some ~~further~~ restrictions upon the re-eligibility of that officer and upon the tenure of offices generally. The ~~same~~ reason still exists: and I renew the recommendation with an increased confidence ~~belief~~ that its adoption will strengthen those checks by which the constitution ~~was~~ designed to secure the

It was a ~~leading~~ fundamental ~~principle~~ object of the Const. to maintain the utmost possible independence ~~[illegible]~~ between the Legislative & Executive branches of the Govt: ~~to secure the first from the temptations of private interest, and to direct the patronage of the other~~ To secure this object, nothing is ~~so~~ more essential ~~as~~ than to the preservation of the former from ~~the~~ all temptations of private interest, ~~and~~ ~~which the~~ and therefore, so to direct the patronage of the latter as not to permit offer such temptations independence of each department of the Government and a more healthful and equitable administration of all the trusts which it has created.

The agent, the most likely to contravene this design of the constitution is the chief magistrate. [illegible] order, particularly, that his appointment may be placed beyond the reach of any other ~~means~~ of influence than those which result from the purity ~~pure influence~~ of his character and his public services — in order that he may approach the solemn responsibilities ~~and [illegible]~~ of the highest office in the gift of a free people, uncommitted to any course ~~interests~~ but those which are enjoined ~~upon him~~ by the constitution of his country; and that the securities for this frame of mind may be rendered as strong ~~certain~~ as the nature of power and the weakness of its possessor will admit; I cannot too earnestly invite your serious attention to the propriety of promoting ~~altering~~ such an amendment of the constitution as will render him ineligible after one ~~a~~ term of service ~~(of either four or six years.)~~

3rd Annual Message

AJD's draft

for affs. sectn. – GB

practically final

text (c correctns.)

[illegible]

to her colonies, ~~but~~ they must be [illegible] ~~we cannot permit them to be~~ ~~supplied except~~ upon principles of ~~fair~~ just reciprocity:

(adopted)

~~and further, that when she conceives it to be her interest to open her colonial ports to the vessels of other nations, it is making an invidious and unfriendly distinction to keep them closed against those of the United States.~~

Out

& further that it is making an invidious & unfriendly distinction to open her colonial ports to ~~the~~ the vessels of other nations & close them against the vessels of the U.S.

Antecedently to 1794, a portion of our productions ~~a portion of our productions~~ was admitted into the Colonial Islands of Great Britain by ~~particular~~ concessions ~~proclamations of the Governors~~, limited ~~always~~ to the term of one year, but ~~generally~~ renewed from year to year. In the ~~exchange~~ transportation of these productions however, our vessels were not allowed to engage — this being a privilege reserved to British shipping, by which alone our produce could be taken to the Islands ~~from~~ ~~out~~, and, those of the Islands, brought back ~~from them~~ in exchange. From New Foundland and her Continental possessions, all our productions, as well as our vessels, were excluded, with occasional relaxations ~~in regard to the former~~ by which, in ~~times~~ seasons of distress, ~~they were~~ the former were admitted in British bottoms.

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~~more immediately affecting ourselves, we find cause for gratification in what has been, and for hope, in what remains to be done~~]

I am happy to inform you that the anticipations which were indulged at the date of my last communication on the subject of our foreign affairs have been [fully] realized in several important particulars.

An arrangement has been effected with ~~the Government of~~ Great Britain in relation to the trade between the United States, and her West India and North American colonies. which has settled a question that ~~By the a topic which~~ has for ~~nearly forty~~ years, afforded matter for contention and almost uninterrupted discussion, and has been the subject of no less than ~~four~~ six negotiations, ~~has been finally settled~~ in a manner which ~~is thought~~ ~~to~~ promises results highly favourable to the parties.

The abstract right of Great Britain to monopolize the trade with her colonies, or to exclude us from a participation therein has never been denied by the United States. But we have contended, and with reason, that if at any time Great Britain may desire ~~demand~~ the productions ~~and commerce~~ of this country ~~to be at any time~~ as necessary

2nd Annual Message

D. – correctd by VB.
Part of For. affs. Dept. –
printer's copy

R. II. 502–505

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THE LIBRARY OF CONGRESS

all received

all importations into the colonies in American vessels are confined to our own products carried ~~directly~~ hence - a restriction to which it does not appear that we have ever objected, - a leading object on the part of Great Britain has been to prevent us from becoming the carriers of British West India commodities to any other country than our own. On the part of the United States it has been contended 1st. that the subject should be regulated by Treaty stipulations in preference to separate legislation - 2d. that our productions when~~ever~~ imported into the colonies in question should not be subject to higher duties than the productions of the mother country, or of the ~~other~~ colonial possessions - and 3d - that our vessels should be allowed to participate in the circuitous trade between the United States and different parts of ~~Great Britain & the~~ ~~colonies~~ the British dominions.

X

Do

The ~~former~~ first point, after having been for a long time strenuously insisted upon by Great Britain, was given up by the act of Parliament of July 1825: all vessels ~~being~~ suffered to trade with the colonies being permitted to clear from thence with any articles which British vessels might export, and proceed to any part of the world - Great Britain and

No 6

her dependencies alone excepted. On our part, each of the above points had in succession been explicitly abandoned in negotiations, preceding that of which the result is now announced.

This arrangement secures to the United States every advantage asked by them, and which the state of the negotiation allowed us to insist upon. The trade will ~~[illegible]~~ be placed upon a footing decidedly more favorable to this country and our commerce & nav than any ~~[illegible]~~ which it ever ~~it has ever~~ stood ~~in~~. ~~[illegible] Great Britain [illegible] that the United States [illegible] regarded, the [illegible]. Having been examined under a different aspect, they constituted an [illegible] apparent [illegible] has not been allowed.~~ That the prosperity of the country, as far as it depends on this trade, will be greatly promoted by the new arrangement there can be no doubt. Independently of the more obvious advantages of an open and direct intercourse, its establishment will be attended with other consequences of a higher value. That which has been carried on since the mutual interdict, under all the expense and inconvenience unavoidably incident to it ~~the landing and reshipment of cargoes, at what are termed, the neutral ports~~, would have been insupportably onerous, had it not been in a great degree igation will enjoy in the Colonial Ports of Great Britain every privilege allowed to other nations.

(making the transshipments at what are

lightened by concerted evasions in the mode of ~~[illegible]~~ called the neutral ports ~~the [illegible]~~. These indirections are inconsistent with the dignity of nations that have so many motives, not only to cherish ~~and~~ feelings of mutual friendship, but to maintain such relations as will stimulate their respective citizens and subjects to efforts of direct, open and honorable competition only, and preserve them from the influence of seduction and ~~irri~~vitating circumstances.

When your preliminary interposition, was asked at the close of the last session, a copy of the instructions under which Mr McLane has acted together with the communications which had at that time paſsed between him and the British Government were laid before you. Although there has not been any thing in the acts of the two Governments which requires secrecy, it was thought most proper in the then state of the negotiation to make that communication a confidential one. So soon however as the evidence of execution on the part of Great Britain is received, the whole matter shall be laid before you - when It will ~~then~~ be seen that the

No 7

~~suggested~~ want of

+ apprehension which appears to have ~~found its way~~ ~~the provision of~~ ~~into~~ the act passed at your last session, that the restoration of the trade in question might be connected with other subjects, and was sought to be obtained at the sacrifice of the public interest in other particulars, was wholly unfounded; and that the change which has taken place in the views of the British Government has been induced by considerations as honorable to both parties, as I trust the result will prove beneficial

Thompson

+ It gives me unfeigned pleasure to assure you that this negotiation has been, ~~throughout~~, characterised by the most frank and friendly spirit on ~~the~~ part of Great Britain, and concluded in a manner strongly indicative of a sincere desire to cultivate the best relations with the United States. To reciprocate this disposition to the fullest extent of my ability, is a duty which I shall deem it a privilege to discharge.

Although the result is itself the best commentary on the services rendered to his country by our minister at the Court of St James, it would be doing

This desirable result was, it will be seen, greatly promoted by the liberal and confiding provisions of the act of Congress of the last session, by which our Ports were upon the reception and annunciation by the President of the required assurance on the part of Great Britain forthwith opened to her vessels before the arrangement could be carried into effect on her part; — pursuing in this act of prospective legislation a similar course ~~with~~ to that adopted by Great Britain in abolishing by her act of Parliament in 1825 a restriction before that time existing, and permitting our vessels to clear from the colonies on their return voyages for any foreign country whatever, before British vessels had been relieved from the restriction imposed by our law of returning directly from the United States to the colonies — a restriction which she required and expected that we should ~~also~~ abolish. Upon each occasion a limited and temporary advantage ~~was~~ has been given to the opposite party, but an advantage of no importance in comparison with the restoration of mutual confidence and good feelings, and the ultimate establishment of the trade ~~in question~~ upon fair principles violence to my feelings, were I to dismiss the subject without expressing the very high sense I entertain of the talent and exertion which have been displayed by him on the occasion.

The injury to the commerce of the United States resulting from the exclusion of our vessels from the Black sea, and the previous footing of mere sufferance, upon which even the limited trade enjoyed by us with Turkey has hitherto been placed, has for a long time been a source of much solicitude to this Government; and several endeavors have been made to obtain a better state of things. Sensible of the importance of the object, I felt it my duty to leave no proper means unemployed to acquire for our flag the same privileges that are enjoyed by the principal powers of Europe. Commissioners were consequently appointed to open a negotiation with the Sublime Porte. Not long after the member of the commission who went directly from the United States had sailed, the account of the Treaty of Adrianople by which one of the objects in view was supposed to be secured, reached this country. The Black sea

No 8

was understood to be opened to us. Under the supposition that this was the case, the additional facilities to be derived from the establishment of commercial regulations with the Porte, were deemed of sufficient importance to require a prosecution of the negotiation as originally contemplated. It was therefore persevered in, and resulted in a Treaty which will be forthwith laid before the Senate.

Moore

By its provisions, a free passage is secured without limitation of time to the vessels of the United States to and from the Black sea, including the navigation thereof; and our trade with Turkey is placed on the footing of the most favored nation. The latter is an arrangement wholly independent of the Treaty of Adrianople, and the former derives much value, not only from the increased security which under any circumstances it would give to the right in question, but from the fact ascertained in the course of the negotiation, that, by the construction put upon that Treaty by Turkey, the article relating to the passage of the Bosphorus is confined to nations having treaties with the Porte. The most friendly feelings appear to be entertained by the Sultan, and an enlightened disposition is evinced by him to foster the intercourse between the two countries by the most liberal arrangements. This disposition it will be our duty and interest to cherish.

Dupin

2nd Annual Message

D — Printer's Copy
Part of For. affs. sectn. —
Russia

~~Ar. II, 505.~~

No. 9

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6.2

Our relations with Russia are of the most stable character. Respect for that empire and confidence in its friendship towards the United States, have been so long entertained on our part and so carefully cherished by the present Emperor and his illustrious Predecessor as to have become incorporated with the public sentiment of the United States. No means will be left unemployed on my part to promote these salutary feelings and those improvements of which the commercial intercourse between the two countries is susceptible, and which have derived increased importance from our Treaty with the Sublime Porte.

I sincerely regret to inform you that our Minister lately commissioned to that Court ~~and~~ on whose distinguished talents and great experience in public affairs I place great reliance, has been compelled by extreme indisposition to exercise a privilege which in consideration of the extent to which his constitution ~~was~~ had been impaired in the public service, ~~of leaving temporarily~~ was committed to his discretion, of leaving temporarily his ~~seat~~ post for the advantage of a more genial climate

(over)

If, as is to be hoped, the improvement of his health should be such as to justify him in doing so, he will repair to St. Petersburg and resume the discharge of his official duties. I have received the most satisfactory assurances that in the mean time the public interests in that quarter will be preserved from prejudice, by the intercourse which he will continue thro' the Secretary of Legation with the Russian cabinet.

2nd Annual Message

D.

Part of for. affs. sectn

Final text

~~R. B. [illegible]~~

No 11

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The negotiations in regard to such points in our Foreign relations as remain to be adjusted, have been actively prosecuted during the recess. Material advances have been made which are of a character to promise favorable results. Our country, by the blessing of God, is not in a situation to invite aggression; and it will be our fault if she ever becomes so. Sincerely desirous to cultivate the most liberal and friendly relations ~~with~~ with all – ever ready to fulfil our engagements with scrupulous fidelity – limiting our demands upon others to mere justice – holding ourselves ever ready to do unto them as we would wish to be done by; and avoiding even the appearance of undue partiality to any nation – it appears to me impossible that a simple and sincere application of our principles to our foreign relations can fail to place them ultimately upon the footing on which it is our wish ~~that~~ they should rest.

Of the points referred to, the most prominent are – our claims upon France for spoliations upon our commerce – similar claims upon Spain, together with embarrassments in the commercial intercourse

intercourse between the two countries which ought to be removed — the conclusion of the Treaty of Commerce and navigation with Mexico, which has been so long in suspense, as well as the final settlement of limits between ourselves and that republic: — and finally, the arbitrament of the question between the United States and Great Britain in regard to the North Eastern boundary.

The negotiation with France has been conducted by our minister with zeal and ability, and in all respects to my entire satisfaction. altho the prospect of a favorable termination was occasionally dimmed by counter-pretensions to which the United States could not assent, he yet had strong hopes of being able to arrive at a satisfactory settlement with the late Government. The negotiation has been renewed with the present authorities; and sensible of the universal and lively confidence of our citizens in the justice and magnanimity of regenerated France, I regret the more not to have it in my power, yet, to announce the result so confidently anticipated. No ground, however, inconsistent with this expectation has been taken; and I do not allow myself to doubt that justice will soon be done us. ~~The magnitude of the claims,~~ — ✗ The amount of the claims

~~For as a compromise may be ultimately be made for an amount which in solemn nature or not might not deserve this expression is it not better to omit or qualify~~

2nd Annual Message

D – corr. by VB – [Trist

Part of for. affs. sectn.

Printer's copy]

~~R. II. 506-7~~

3rd Annual Message

D

Part of for. affs. sectn.

Final Text.

~~R. II. 587.~~

No 12

~~claims~~

The length of time ~~they~~ have remained unsatisfied; and their incontrovertible justice, make an earnest prosecution of them by this Government ~~[illegible] as well as to those who are [illegible]~~ an urgent duty. The illegality of the ~~great~~ ~~mass of~~ seizures and confiscations out of which they have arisen ~~has never been~~ is ~~[illegible]~~ not disputed; and whatever distinctions may have heretofore been set up in regard to the liability of the existing Government, it is quite clear that such considerations cannot now be interposed. ~~It would therefore be highly injurious to the present authorities to expect them from a disposition to avoid the consequences that must necessarily flow from the acts of the [illegible]; and still more so, to suppose them capable of [illegible] a prompt, [illegible] and explicit [illegible] of their [illegible] inconsistent with the tendency of free liberal and [illegible] institutions~~

The commercial intercourse between the two countries is susceptible of highly advantageous improvements: but the sense of this injury, has had, and must continue to have, a very unfavorable influence upon them. From its satisfactory adjustment not only a firm and cordial friendship, but a progressive development of all their relations may be expected. ~~[illegible]~~

v Van

~~compensation can never be abandoned by the~~
~~United States [illegible] France can~~ not justify
~~herself to the world for withholding it~~. It is
therefore my earnest hope that this old and
vexatious subject of difference may be
speedily removed.

I feel that my confidence in this appeal which has been made to the motives which should govern a just and magnanimous nation is alike warranted by the character of the French people, and by the high voucher we possess for the enlarged views and pure integrity of the monarch who now presides over ~~the~~ their councils, ~~of France~~; and nothing shall be wanting on my part to meet any manifestation of the spirit we anticipate in one of corresponding frankness and liberality.

The subjects of difference with Spain have been brought to the view of that Govt by our minister there with much force and propriety; and the strongest assurances have been received of their early and favorable consideration.

The steps which remained ~~to be taken~~ to place the matter in controversy between Great Britain and the United States fairly before the arbitrator have all been taken in the same liberal and friendly spirit which characterised those before announced.

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The Library of Congress

Recent events have doubtless served to delay the decision, but our minister at the court of the distinguished arbitrator has been assured that it will be made within the time ~~limited~~ contemplated by the treaty.

I am particularly gratified in being able to state that a decidedly favorable, and, as I hope, lasting change has been effected in our relations with the neighbouring republic of Mexico. The unfortunate and unfounded suspicions in regard to our disposition, which it became my painful duty to advert to on a former occasion, have been I believe entirely removed; and the ~~(present)~~ Government of Mexico has been made to understand the real character of the wishes and views of this in regard to that country. The consequence ~~has been~~ is the establishment of friendship and mutual confidence. Such are the assurances which I have received and I see no cause to doubt their sincerity.

I had reason to expect the conclusion of a commercial treaty with Mexico in season for communication on the present occasion. Circumstances which are not explained; but which I am persuaded are not the result of an indisposition on her ~~the~~ part of ~~Mexico~~ to enter into it, have produced the delay.

There was reason to fear in the course of the last summer that the harmony of our relations might be disturbed by the acts of certain claimants, under Mexican grants, of territory which has hitherto been under our jurisdiction. The cooperation of the representative of Mexico near this Government was asked on the occasion ~~subject~~, and was readily afforded. Instructions and advice have been given to the Governor of Arkansas and the officers in command in the adjoining Mexican state, by which it is hoped the quiet of that frontier will be preserved, until a final settlement of the dividing ~~[illegible]~~ line shall have removed all ground of controversy (~~[illegible]~~.

The exchange of ratifications of the treaty concluded last year with Austria has not yet taken place. The delay has been occasioned by the non arrival of the ratification of that Government within the time prescribed by the treaty. Renewed ~~Final~~ authority

2nd Annual Message

1) Fin. Rev. 1830 and
2- part of For. affs.
sect. Final text.

~~Ro. II. 501-2~~

2

No. 2

spontaneous and unequivocal burst of applause in which you have participated. In congratulating you, my fellow citizens, upon an event so auspicious to the dearest interests of mankind, I do no more than respond to the voice of my country; without transcending in the slightest degree that salutary maxim of the illustrious Washington which enjoins an abstinence from all interference with the internal affairs of other nations. From a people exercising, in the most unlimited degree, the right of self government; and enjoying, as derived from this proud characteristic, under the favor of heaven, much of the happiness with which they are blessed, — a people who can point in triumph to their free institutions, and challenge comparison with the fruits they bear; as well as with the moderation, intelligence and energy with which they are administered; — from such a people the deepest sympathy was to be expected in a struggle for the sacred principles of liberty, conducted in a spirit every way worthy of the cause, and crowned by a heroic moderation which has disarmed revolution of its terrors. Notwithstanding the strong assurances which the man whom we so sincerely love and justly admire, has given to the world of the high character of the present King of the French, and which if sustained to the end will secure to him the proud appellation of Patriot King: it is not in his success, but in that of the great principle which has borne him to the throne — the paramount authority of the public will — that the American people rejoice.

I am happy to inform you that the anticipations which were indulged at the date of my last communication on the subject of our foreign affairs have been fully realized in several important particulars.

an arrangement has been effected with Great Britain, in relation to the trade between the United States and her West India & North American colonies, which has settled a

No. 3

3 question that has for years afforded matter for contention and almost uninterrupted discussion, and has been the subject of no less than six negotiations, in a manner which promises results highly favorable to the parties.

The abstract right of Great Britain to monopolise the trade with her colonies, or to exclude us from a participation therein, has never been denied by the United States. But we have contended, and with reason, that if at any time Great Britain may desire the productions ~~of the United States which British vessels might import therefrom~~ of this country as necessary to her colonies, they must be received upon principles of just reciprocity: and further, that it is making an invidious and unfriendly distinction, to open her colonial ports to the vessels of other nations and close them against those of the United States.

Antecedently to 1794, a portion of our productions was admitted into the colonial Islands of Great Britain, by particular exceptions limited to the term of one year, but renewed from year to year. In the transportation of these productions, however, our vessels were not allowed to engage: this being a privilege secured to British shipping, by which alone our productions could be taken to the Islands and theirs brought to us in return.

From New Foundland and the continental poſseſsions, all our productions, as well as our veſsels, were excluded, with occasional relaxations by which in seasons of distreſs the former were admitted in British bottoms.

3rd Annual Message

J's draft of Indian acct.

~~Ch. R. II. 514 – 23~~

Indians-

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It is a subject of pleasing reflection that the Indians within the States are manifesting a disposition to move from the places they at present occupy. Besides the prospect of increased happiness & benefit to themselves, the unpleasant controversies which may arise, as to State, and general government authority, will be avoided, and conflicts arising therefrom be prevented. Towards the aborigenees of ~~our~~ the country none feels a more lively or deep interest than myself, or would go farther in redeeming them from their present condition, and to render them a happy & prosperous people. I have said to them candidly what from the exercise of my best judgement I believed to be correct, that within the limits of a state, the general government, could not extend to them its fostering protection- that the superintending care of the government, could not ~~extend~~ be granted to the extent of inhibiting the States, to control & direct them, as other citizens of the States are controlled- The acts and laws of a State, within its limits must claim a paramount operation over those of the general government in all cases, except where ~~it~~ having parted with the power, the exercise of it, is rightfully in the hands of the federal authority. To regulate "trade among the several States, and with the "Indian tribes," is the authority upon this subject derived from the constitution. Under this grant of authority, it is not pretended, or rather should not be, that the States are precluded, from the exercise of a wholesome & equitable legislation over persons & property within their limits. The States are Sovereign except to the extent only that they have parted with their sovereignty, "for the common defence & general welfare" of the country. I have been unable to perceive any sufficient reason, why the Red man more than the White, may claim exemption from the municipal laws of the State within which they reside; and governed by that belief, I have so declared, and so acted. With these impressions a removal appeared to me, to be the only means whereby to obtain for the Indians prosperity and happiness; and to place them in a situation, where relieved from the operation of State laws, the fostering care of the govt. could be extended to them to greater advantage, and where they must be happier

These things have been brought to ~~the~~ consideration of our Indian brethren and fully explained. Some of the tribes, the Choctaws, & Chickasaws, perceiving the force of these kind suggestions made to them, with great unanimity have determined to avail themselves of the liberal offers presented ~~to them~~ by the act ~~act~~ of the last congress and to remove beyond the river Mississippi Treaties have been entered into with them, which in due time will be submitted ~~to the Senate~~ for ~~their~~ consideration. In making these arrangements, reason & argument to convince not threats, or force, to intimidate, have been the instruments employed. Nothing unsound or unfair has been resorted to whereby to create an improper influence, to their judgment and sound reflection under all the circumstances with which they were surrounded, was the matter submitted to them. Being the last treaties ever to be made with them, a liberal & generous policy was deemed advisable to be pursued, to afford them an evidence of the justice of the government & the means of becoming an improved & prosperous people at their new homes.

When our fore fathers arrived upon these shores they found the Indians, the owners and occupants of the soil. As the white population increased, the Red man, yielding up his place, he gradually and peaceably retired, until now, in the distant forest only, does he find a resting place. Our sympathies should be aroused in their favour, and every kindness and good feeling exercised towards them; not by encouraging them to remain within the States, where it is impossible they can be contented and happy; but by giving them a new home free from interruption, where they may dwell under their own laws, afford the only means by which they can be preserved, made happy, and perpetuated.

Indian . memorandum

2nd Annual Message

D

Part of Indian sect

Largely omitted — part of the 2nd par. retained

R II 020

a separate existence within their limits and exercise most of the attributes of sovereignty. But, as before the adoption of the Federal constitution, so at this time, whenever a State chooses to extend its jurisdiction over those bodies of men, they cease to be separate tribes, and can be treated by the United States only as citizens of the state. They are no longer one of those "Indian tribes" with which the Congress of the United States may "regulate the commerce". ~~For the justice of the~~ laws passed by the States, being within the scope of their ~~jurisdiction~~ reserved powers, they are not responsible to this Government. As individuals we may entertain and express our opinions of their acts; but as a Government we have as little right to controul them as we have to prescribe laws to Foreign nations. A state of things might indeed arise, in which it would be the duty of this Government, in the performance of its constitutional obligations, to aid the states in maintaining and enforcing their laws and preventing their dismemberment.

– With a full understanding of the subject, the Choctaw and Chickasaw tribes, have, with great unanimity, determined, to avail themselves of the liberal offers presented by the act of congress, and have agreed to remove beyond the Mississippi river. Treaties have and the Indians living within their borders. They have been informed that the superintending care of this Government could not be so extended by Treaty as to exempt them from the Legislative controul of the States within which they reside; and that the Treaty stipulations under which they have enjoyed its protection, must be construed as subordinate ~~as subordinate~~ to the sovereign right of the States to subject all persons within their limits, of whatever race or complexion, to the controul of their laws. In recognising and enforcing this principle, I feel persuaded that I do but justice to the constitutional right of the Sovereign States which compose our confederacy. In the constitution can be found no relinquishment of the preexisting right of the States to fix the civil and political condition of all persons living within their borders, whether black, white or red, and making them amenable to their tribunals "To regulate commerce among the several states and with the Indian tribes" is the only power over the subject which the States have delegated to the general Government. By sufferance of some of the States, several Indian tribes have been permitted to maintain

2nd Annual Message

AJD — Printers Copy
Part of Indian Sectn
~~II 519-20~~
~~R. II 520-21~~

2nd Annual Message

Donelson's Draft — with Correctns, final text, & apparently printers copy

~~R. II. 521-2~~

NB. I have found only one variatn from R. — "true philosophy" instead of "true phil-anthropy" (p. 23, l. 4). This divergence occurs in the Senate Doc. versn, & was probably a printer's error.

It gives me
the benevolent p
for nearly thirty years,
Indians beyond the white sett
to a happy consummation. Two im portan ribes
have accepted the provision made for their removal at
the last session of Congress; and it is believed, that their
example ~~and the obvious advantages to themselves~~
will induce the remaining tribes also to seek
~~new homes~~ the same obvious advantages

The consequences of a speedy removal
will be important to the United States, to individual
States, and to the Indians themselves. The pecuniary
advantages which it promises to the Government,
are the least of its recommendations. It puts an
end to all possible danger of collision between
the authorities of the general and state Govern-
-ments, on account of the Indians. It will
place a dense and civilized population in
large tracts of country now occupied by a
few savage hunters. By opening the whole
territory between Tennessee on the north and
Louisiana on the South to the settlement of
Whites, it will incalculably strengthen the
south western frontier and render the
adjacent States strong enough to repel
future invasion without remote aid ~~from a distance~~.

ad over for
Then with the omissions

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been made with them, which, in due season, will be submitted ~~to your~~ for consideration. In ~~making~~ negotiating these Treaties ~~reason and argument have been used to convince them, not threats or force to intimidate~~ They were made to understand their true condition ~~in relation to the State and general Governments~~, and they have preferred maintaining their ~~savage~~ independence in the western forests to submitting to the laws of the States in which they now reside. These Treaties being probably the last which will ever be made with them, are characterised by great liberality on the part of the Government. They give the Indians a liberal sum in consideration of their removal and comfortable subsistence on their arrival at their new homes. If it be their real interest to maintain a separate existence, they will there be at liberty to do so without the inconveniences and vexations to which they would unavoidably have been subject in Alabama & Mississippi.

5 Polk

Humanity has often wept over the fate of the aborigines of this country, and Philanthropy has been long busily employed ~~for two centuries~~ in devising means to avert it. But ~~the~~ its progress ~~of their decay~~ has never for a moment been arrested. and one by one have many powerful

Library of Congress

tribes disappeared from the earth. To follow to the tomb the last of his race, and tread on the graves of extinct nations, excites melancholy reflections. But true Philosophy reconciles the mind to these vicissitudes ~~in nations~~, as it does to the extinction of one generation to make room for another. In the monuments and fortresses of an unknown people spread over the extensive regions of the west, we behold the memorials of a once powerful race which was exterminated, or has ~~fled to distant lands~~ disappeared to make room for the existing savage tribes. ~~These in their turn, by a substitution not the less just because it is slower, are doomed to perish or retire before civilized man~~. Nor is there any thing in this, which, upon a comprehensive view of the general interests of the human race, is ~~not~~ to be ~~deplored~~ ~~or~~ regretted. Philanthropy ~~itself~~ could not wish to see this continent restored to the condition in which it was found by our Forefathers. What good man would prefer a country covered with forests, and ranged by a few thousand ~~[illegible]~~ savages ~~more ferocious than the savage beasts they hunted~~ to our extensive republic, studded with cities, towns and ~~[illegible]~~ prosperous farms, embellished with all the improvements which art can ~~invent~~ devise or industry execute ~~and~~ occupied by more than twelve millions of happy people § filled to overflowing with all the blessings of liberty, civilization and religion? ~~It cannot be believed that such a state change can be regretted on earth or condemned in Heaven.~~

James

The present policy of the Government is but a continuation of the same progressive change, by a milder process. The tribes which occupied the countries now constituting the eastern states, were annihilated or have melted away to make room for the whites. The waves of population and civilization are rolling ~~roll~~ to the westward; & we now propose to acquire the countries occupied by the red men of the south and ~~the~~ west by a fair exchange; and at the expence of the United States, to send them to a land where their existence may be prolonged and perhaps made perpetual. Doubtless it will be painful to leave the graves of their fathers (~~and the land of their birth~~): but what do they more than our ancestors did, or ~~more~~ than our children are now doing? To better their condition in an unknown land, our forefathers left all that was dear in earthly objects. Our children by thousands yearly leave the land of their birth to seek new homes in distant regions. Does humanity weep at these painful separations

from every thing animate and inanimate, with which the young heart has become entwined? Far from it. It is rather a source of joy ~~to the good to the good and benevolent~~ that our country affords scope where our young population may range unrestrained in body or in mind, developing the power and faculties of man in their highest perfection. ~~are~~ These remove hundreds and almost thousands of miles at their own expence, purchase the lands they occupy, and support themselves at their new homes from the moment of their arrival. Can it be cruel in this Government, when, by events which it cannot control, the Indian is made discontented in his antient home, to purchase his lands, to give him a new and extensive territory ~~in the west~~, to pay the expenses of his removal, and support him a year in his new abode? How many thousands of our own people would gladly embrace the opportunity of removing to the west on such conditions! If the offers made to the Indians, were extended to them, they would be hailed ~~it~~ with gratitude and joy.

Houston

And is it supposed that the wandering savage has a stronger attachment to his home, than the settled, civilized

Christian ~~man~~? Is it more afflicting to him to leave the graves of his fathers than it is to our brothers and children? Rightly considered, the policy of the general Government toward the redman is not only liberal but generous. He is unwilling to submit to the laws of the States, & mingle with their population ~~and lose his separate existence~~. To save him from this alternative, or perhaps utter annihilation, the general Government kindly offers him a new home and proposes to pay the whole expence of his removal and settlement.

In the consummation of a policy originating at an early period and steadily pursued by every administration within the present Century, so ~~just~~ due to the States and so generous to the Indians, the Executive feels it has a right to expect the cooperation of Congress and of all good and disinterested men. The States, ~~however~~ moreover, have a right to demand it. It was substantially a part of the compact which made them members of our confederacy. With Georgia there is an express contract; with the new states an implied one of equal obligation. Why, in authorising Ohio, Indiana, Illinois, Missouri, Mississippi

J. Towers

and Alabama to form constitutions, and become seperate States, did Congress include within their limits extensive tracts of Indian lands and in some instances powerful Indian Tribes? Was it not understood by both parties, that the power of the States was to be coextensive with their limits ~~prescribed~~, and that with all convenient dispatch, the general Government should extinguish the Indian title, and remove every obstruction to the complete jurisdiction of the state Governments over the soil? Probably not one of those States would have accepted a seperate existence - certainly it would never have been granted by Congress - had it been understood that they were to be confined forever to those small portions of their nominal territory, the Indian title to which had at the time been extinguished.

It ~~is~~ therefore a duty which this government owes to the new States, to extinguish, as soon as possible, the Indian title to all lands which Congress themselves have included within their limits. ~~with that act~~ When this is done the duties of the general Government in relation to the States and the Indians within ~~them~~ their limits, are at an end. The Indians may leave the State or not, as they choose. ~~[illegible]~~

28 lost 22

page 22

The purchase of their lands does not affect, in the least, their personal relations with the State Government. No act of the General Government has ever been deemed necessary to give the States jurisdiction over the persons of the Indians. That, they possess by virtue of their sovereign power within their own limits, in as full a manner before as after the purchase of the Indian lands; nor can this Government add to, or diminish it. ~~by Treaty, law or grant, without a palpable violation of the fundamental principles of our confederacy~~).

May we not hope, therefore, that all good citizens, and none more zealously than those who think the Indians oppressed by subjection to the laws of the States, will unite (~~with the Government~~) in attempting to open the eyes of those children of the forest to their true condition, and, by a speedy removal, to relieving them from ~~the~~ the evils, real or imaginary, present or prospective ~~which they feel or fear~~ others on behalf of them. with which they may be supposed to be threatened.

2nd Annual Message

Kendall's Draft of Indian Policy sectn: in spite of J's endorsement, there are a number of alteratns, & much omissn, in the final text.

THE LIBRARY OF CONGRESS

~~R. II. 519 23~~

[page missing]

It gives me pleasure to announce to Congreſs, that the benevolent policy of the government, steadily pursued for ~~the last~~ nearly thirty years, in relation to the removal of the Indians beyond the white settlements, is approaching to a happy consummation. Two important tribes have accepted the provision made for their removal at the last seſsion of Congreſs; and it is believed, that their example and the obvious advantages to themselves, will induce the remaining tribes also to seek new homes.

The consequences of a speedy removal will be important to the United States, to individual states, and to the Indians themselves. The pecuniary advantages which it promises to the government, are the least of its recommendations. It puts an end to all poſsible danger of collision between the authorities of the general and state governments on account of the Indians. It will place a dense and civilized population in large tracts of country now occupied by a few savage hunters. By opening the whole territory between Tenneſsee on the north and Louisiana on the south to the settlement of whites, it will incalculably strengthen the southwestern frontier and render the adjacent states strong enough to repel future invasion without aid from a distance. It will clear the whole state of Miſsiſsippi and the western part of Alabama of Indian occupancy and enable those states to advance rapidly in population, wealth and power. It will separate the Indians from immediate contact with settlements of whites, free them from the power of the states, enable them to pursue happineſs in their own way under their own rude institutions, will retard the progress of decay which is lessening their numbers, and perhaps cause them gradually, under the protection of the government and through the influence of good men, to cast off their savage habits and become in time an interesting, civilized and Christian community of ~~civilized and Christian men~~. These consequences, some of them so certain and the rest so probable, make the complete execution of the plan sanctioned by Congress at their last session, an object of much solicitude.

Towards the aborigines of the country no one can indulge a more kindly feeling than myself, or would go further in attempts to reclaim them from their wandering habits and make them a happy and prosperous people. I have endeavored to impress upon them my own solemn convictions of the duties and powers of the general government in relation to the state authorities and the Indians living within their borders. They have been informed, that the superintending care of this government could not be so extended by treaty as to exempt them from the legislative control of the states within which they reside, and that the treaty stipulations under which they have enjoyed its protection, must be construed as subordinate to the sovereign right of the states to subject all persons within their limits, of whatever race or complexion, to the control of their laws. In recognizing and enforcing this principle, I feel persuaded that I do but justice to the constitutional rights of the sovereign states which compose our confederacy. In the constitution can be found no relinquishment of the preexisting right of the states to fix the civil and political condition of all persons living within their borders and making them amenable to their tribunals, whether black, white or red. "To regulate commerce ~~trade~~ among the several states and with the Indian tribes" is the only power over the subject which the states have delegated to the general government. By sufferance of some of the states, several Indian tribes have been permitted to maintain a separate existence within their limits and exercise most of the attributes of sovereignty. But, as before the adoption of the federal constitution, so at this time, whenever a state chooses to extend its jurisdiction over those bodies of men, they cease to be separate tribes, and can be treated by the United States only as citizens of the state. They are no longer one of those "Indian Tribes" with which the Congress of the United States may "regulate ~~the~~ commerce" ~~the trade~~ ~~and intercourse~~". For the justice of the laws passed by the states ~~legislation~~ within the scope of their reserved power, they are not responsible to this government. As individuals we may entertain and express our opinions of their acts; but as a government, we have as little right to control them as we have to prescribe laws to foreign nations. A state of things might indeed arise, in which it would be the duty of this government, in the performance of its constitutional obligations, to aid the states in maintaining and enforcing their laws and preventing their dismemberment.

With a full understanding of the subject, the Choctaw and Chikasaw Tribes, have, with great unanimity, determined to avail themselves of the liberal offers presented by the act of Congress, and have agreed to remove beyond the Mississippi river. Treaties have been made with them, which, in due season, will be submitted to your consideration. In making these treaties, reason and argument have been used to convince them / not threats or force to intimidate. ~~them~~. They were made to understand their true condition in relation to the state and general governments, and they have preferred maintaining their savage independence in the western forests to submitting to the laws of the states in which they now reside. These treaties, being probably the last which will ever be made with them, are characterized by great liberality on the part of the government. They give the Indians a liberal sum in consideration of their removal, & secure to them not only an ample territory west of the Mississippi, but also the means of easy removal and comfortable subsistence on their arrival at their new homes. If it be their real interest of to maintain a separate existence, they will there be at liberty to do so without the inconveniences and vexations to which they would unavoidably have been subject in Mississippi and Alabama.

Humanity has often wept over the fate of the aborigines of this country, and Philanthropy has been busily employed for two centuries in devising means to avert it. But the progress of their decay has never been for a moment arrested, and one by one have many powerful tribes disappeared from the earth. To follow to the tomb the last of his race and tread on the graves of extinct nations, excites melancholy reflections. But true Philosophy reconciles the mind to these vicissitudes in nations as it does to the extinction of one generation to make room our confederacy.

May we not hope, therefore, that all good citizens, and none more zealously than those who think the Indians oppressed by subjection to the laws of the states, will unite with the government in attempting to open the eyes of those children of the forest ~~Indians~~ to their true condition, and, by a speedy removal, relieving them from all the evils, real or imaginary, present or prospective, which they feel or fear.

The Indians -
This perfect & to be copied -

3rd Annual Message

D.

Indian sectⁿ, in part

Earlier form — large excisions in final

~~R. II. 570.~~

3rd Annual Message

Indian sectⁿ — G. J. D.'s draft. Only a few sectⁿˢ used

~~R. II. 570 etc~~

The Indians

reviewed & copied — these sheets
to be preserved —.

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It is a subject of pleasing reflection that the Indians within the limits of the States are manifesting a disposition to accept the provisions which are contained in the act of the last session of Congress for their removal. Besides the prospect of increased happiness and benefit to themselves arising this step, its importance in terminating the conflict between the authority of the general and State Governments which the situation of the Indians in regard to each is so well calculated to create, has made the execution of that law an object of the deepest solicitude.

Towards the aborigines of the country no one can indulge a more friendly feeling than myself. or would go further to reclaim them from their wandering habits and make them a happy and prosperous people as far as they are susceptible of this change by the arts of civilization. I have stated to them candidly what my experience and best judgment have suggested to be the duty of the general Government, both in regard to their true interests and the power of the states within whose limits they are now located. They have been informed that the superintending care of this Government could not be so extended by Treaty as to operate as an inhibition of the right of those states to controul them as other citizens are within their territorial bounds: and that the benefits of the Treaty stipulations under which they had enjoyed the protection of the United States must be construed as subordinate to this right of the States, in contravention of which those Treaties could not, and were never designed to operate. In recognizing this principle I feel persuaded that I do but justice to those sovereign members of our Union whose legislation over the persons and property within their chartered limits cannot be circumscribed by any other power than that which they have voluntarily transferred to the constitution and there defined with too much precision and care to make the reservation of this to themselves a question of doubt in my mind. "To regulate trade among the several states and with the Indian tribes" is the only authority over the subject which they have given to the United States. The conception that this authority contemplated the residence of the Indian tribes within the limits of the States, as a distinct people, independent of the power and jurisdiction of the States, would defeat the safeguard which another provision of the Constitution contains in behalf of the State jurisdiction and is in other respects so irreconcileable to the general spirit of the terms of Union, that I could not think for a moment of admitting it in the views which I felt it my duty to present to the Indians. I have been unable to perceive any good reason why the Red man more than the White should claim exemption from the municipal laws of the States within whose limits they reside: and have accordingly in my intercourse with them rather endeavored to explain the justice of this obligation than to use it as a means of effecting his removal against his consent.

With a full understanding of this subject the Choctaw and Chickasaw tribes have with great unanimity determined to avail themselves of the liberal offers presented by the act of the last session of congress, and have agreed to remove beyond the Mississippi river. Treaties have been concluded with them which will be submitted to ~~the~~ your consideration ~~of the Senate~~ in due time. In making these Treaties, reason and argument to convince, not threats nor force to intimidate them have been the instruments employed. To their judgment and best reflection under a full view of their true condition, were the terms of the Government submitted. As they are the last Treaties in all probability which will be made with them, they are characterised by great liberality, and while they afford evidence of the justice of the Government secure to them the means of future prosperity and improvement in a much higher degree than they could enjoy within the limits of the States of Alabama & Mississippi.

When our Forefathers become acquainted with the Indians, they were the owners and occupants of the soil: but a fate not the less just because it excites our sympathies has changed the relative condition of the descendants

2d Annual Message

1

Lighthouse Board sect:
Printer's Copy:

~~R. II. 509.~~

character which I cannot approve. I have disapproved it, ~~therefore allowed it to fail, and it gives me satisfaction to find that no serious public inconvenience has resulted from the act,~~ nor will it I trust be cause of regret that an opportunity will be thereby afforded for Congress to review its provisions under circumstances better calculated for full investigation than those under which it was passed.

In speaking of direct appropriations I mean not to include ~~the~~ a practice which has obtained to some extent, and to which I have in one instance, in a different capacity, given my assent = that of subscribing to the stock of private associations. Positive experience and a more thorough consideration of the subject have convinced me of the impropriety as well as inexpediency of such investments. All improvements effected by the funds of the nation for general use, should be open to the enjoyment of all our fellow citizens, exempt from the payment of tolls, or any imposition of that character. The practice of thus mingling the concerns of the Government with those of the States, or of individuals, is inconsistent with the object of its institution and highly impolitic. The successful operation of the Federal system can only be preserved by confining it to the few and simple, but yet important objects for which it was designed.

It gives me satisfaction to find that no serious inconvenience has arisen from withholding my approval from this bill.

2

Scraps

The Library of Congress

It is in this, as ~~[illegible]~~ in other respects, our duty to avoid all unnecessary expense as well as any increase of patronage not called for by the public service. But in the discharge of that duty in this particular, it must not be forgotten, that in relation to our foreign commerce the burden and benefit of ~~accommodating~~ protecting and ~~protecting~~ accommodating it necessarily go together, and must do so as long as the public revenue is drawn from the people through the custom House. It is indisputable that Whatever gives facility and security to navigation cheapens imports, and all who consume them are alike interested in whatever produces this effect. If they consume, they ought as they now do, to pay: ~~If they do not consume~~ otherwise they do not pay. The consumer in the most inland state derives the same advantage from ~~the~~ every necessary and prudent expenditure for the facility and security of our foreign commerce and navigation, that he does who resides in a maritime state. ~~other~~ Local expenditure have not of themselves a correspondent operation.

~~To~~ From a bill making *direct* appropriations for such objects, I should not have withheld my assent. The one now returned does so in several particulars, but it also contain appropriations for surveys of a local

2nd Annual Message.

D.

Printer's Copy:

Part of Lighthouse Bill
Sects

~~R. II. 510~~

3

Monster

THE LIBRARY OF CO

* The power which the general Government would acquire within the several states by becoming the principal stockholder in corporations, controulling every canal and every each sixty or a hundred miles of every important road, and giving a proportionate vote in all their elections, is almost inconceivable, and in my view dangerous to the liberties of the people

The different practice if allowed to progress ~~(as it has recently)~~, would ultimately ~~must in a short time~~, change the character of this Government ~~we can~~ I cannot perceive how bills authorising such subscriptions can be otherwise regarded than as bills for revenue, and consequently subject to the rule in that respect prescribed by the constitution. If the interest of the Government in private companies is subordinate to that of individuals, the management and control of a portion of the public fund is delegated to an authority unknown to the constitution and beyond the supervision of our constituents; if superior, its officers and agents will be constantly exposed to imputations of ~~oppression~~ favoritism and ~~favoritism~~ oppression. Direct prejudice to the public interest or an alienation of the affections and respect of portions of the people may therefore, in addition to the general discredit resulting to the Government from embarking with its constituents in pecuniary speculations, be looked for as the probable fruit of such associations. It is no answer to this objection to say that the extent of consequences like these cannot be great from a limited and small number of investments, because experience in other matters teaches us, and we are not at liberty to disregard its

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x by consolidating into one the general and State Governments which were intended to be kept forever distinct.

admonitions, that unless an entire stop ~~is~~ be put to ~~it~~ them, it will soon be impossible to prevent their accumulation until they are spread over the whole country and made to embrace many of the private and appropriate concerns of individuals *

This mode of aiding such works is also in its nature deceptive and in many cases conducive to improvidence in the administration of the national funds. appropriations will be obtained with much greater facility and granted with less security to the public interest when the measure is thus disguised than when definite and direct ~~applications~~ expenditures of money are asked for. The interests of the nation would doubtless be better served by avoiding all such indirect modes of aiding particular objects., ~~and~~ In a Government like ours more specially, should all public acts be as far as practicable, simple, undisguised and intelligible, that they may become fit subjects for the approbation or ~~[illegible]~~ animadversion of the people. The bill authorising a subscription to the Louisville and Portland canal affords a striking illustration of

113

2nd Annual Message

P.O. Sectn
D

Some verbal alteratns in 1st
¶, 2nd final

~~R. II 526-7~~

2nd Annual Message

D's hand + printer's copy

~~R. II. 527-8~~

2nd Annual Message

D - Correctns in several hands

Several consecutive
Sectns - printer's copy? -
practically final text

~~R. II. 528-9~~

2nd Annual Message

D - Printer's Copy
Conclusn

~~R. II 529~~

Post Office   No. 87

The Library of Congress

Begin next to the Navy report

The report of the Post Master General in like manner exhibits a satisfactory view of the important branch of the Government under his charge. In addition to the benefits already extended by the operations of the Post office Department, considerable improvements within the present year have been secured by an increase in the accommodation of stage coaches, and in the frequency and celerity of the transportation of the mail between some of the most important points of the Union. ~~And in making the late contracts, improvements have been provided for the southern section of the country at an estimated~~ annual ~~saving to the Department~~ of upwards of seventy two thousand dollars. Notwithstanding the excess of expenditure beyond the current receipts for a few years past, necessarily incurred in the fulfilment of existing contracts, and in the additional expenses, between the periods of contracting to meet the demands, created by the rapid growth and extension of our flourishing country: yet the satisfactory assurance is given that the future revenue of the Department will be sufficient to meet

No. 8

P. ~~In making~~ Under the late contracts ~~fi~~ improvement
+ have been provided for the Southern section
of the county, and, at the same time an
annual saving made.

its extensive engagements. The system ~~that has been~~ recently introduced, that subjects its receipts and disbursements to strict regulation has ~~in its operation~~ entirely fulfilled its design. It gives full assurance of the punctual ~~certainty of~~ ~~account both of~~ transmission as well as the ~~and preservation~~ security of the funds of the Department. The efficiency and industry of its officers. and the ability and energy of contractors justify an increased confidence in its continued prosperity.

No 9

enlargement of the duties and compensation of the attorny General

J. Powers

next to the Post office report

The attention of Congress was called on a former occasion to the necessity of such a modification of the office of ~~the~~ attorney General of the United States as would render it more adequate to the wants of the public service. This resulted in the establishment of the office of Solicitor of the Treasury and the earliest measures were taken to give effect to the provisions of the law, which authorised the appointment of that officer and defined his duties. But it is not believed, that this provision however useful in itself, is calculated to supersede the necessity of extending the duties and powers of the attorney Generals' office. On the contrary I am ~~perfectly~~ convinced that the public interests would be greatly promoted, by giving to that officer the general superintendence of the various law agents of the Government, and of all law proceedings whether civil or criminal in which the United States may be interested, allowing to him at the same time such a compensation as would enable him to devote his undivided attention to the public business. I think such a provision is alike due to the public and to the officer.

occasions of reference from the different executive departments ~~of the Government~~

to

No. 10

THE LIBRARY OF CONGRESS

to the Attorney General, are of frequent occurrence, and the prompt decision of the questions so referred, tends ~~greatly~~ much to facilitate the dispatch of business in those Departments. The ~~accompanying~~ report of the Secretary of the Treasury hereto appended shews also a branch of the public service not specifically entrusted to any officer, which might be advantageously committed to the Attorney General.

But independently of these considerations this office is now one of daily duty. It was originally organized, and its compensation ~~was~~ fixed, with a view to occasional service leaving to the incumbent time for the exercise of his profession in private practice. The state of things, which warranted such an organization no longer exists. The frequent claims upon the services of this officer would render his absence from the seat of Government, in professional attendance upon the courts, injurious to the public service; and the interests of the Government could not fail to be promoted by charging him with the general superintendence of all its legal concerns.

Under a strong conviction of the ~~truth~~ justness of these suggestions, I recommend it to Congress to make the necessary

2 Att. Genl No 11

provisions for giving effect to them, and to place the Attorney General, in regard to compensation, on the same footing with the heads of the several executive Departments. To this officer might also be intrusted ~~the~~ a cognizance of the cases of insolvency in ~~the~~ public debtors: especially if the views which I submitted on this subject last year should meet the approbation of Congress, to which I again ~~recommend it to~~ solicit your ~~special~~ ~~consideration~~ attention.

No. 12

District of Columbia. Penitentiary.

by a representation in Congress

Sturtevant Next to the Atty. Genl.

Your attention is respectfully invited to the situation of the district of Columbia. Placed by the Constitution under the exclusive jurisdiction and control of Congress, this district is certainly entitled to a much greater share of its consideration than it has yet received. There is a want of uniformity in its laws, particularly in those of a penal character, which increases the expense of their administration, and subjects the people [illegible] ~~liable~~ to all the inconveniences which result from the operation of different codes in so small a Territory. On different sides of the Potomac the same offence is punishable in unequal degrees; and the peculiarities of many of the early laws of Maryland and Virginia remain in force, notwithstanding their repugnance in some cases to the improvements which have superseded them in those states.

No 13

Besides a remedy for these evils, which is loudly called for, it is respectfully submitted whether a provision authorising the election of a Delegate to represent the wants of the citizens of this district on the floor of Congress, is not due to them and to the character of our Government. No portion of our citizens should be without a practical enjoyment of the principles of freedom, and there is none more important than that which cultivates a proper relation between the Governors and the Governed. Imperfect as this must be in this case, yet it is believed that it would be greatly improved by ~~giving it~~ a representation in congress with the same privileges that are allowed to that of the other Territories of the United States

Phillips

The Penitentiary is ready for the reception of convicts, and only awaits the necessary legislation to put it into operation: as one object of which I beg leave to recall to your attention ~~&~~ the propriety of providing suitable compensation for the officers charged with its inspection

No. 14

The Bank of the United States

Conclusion

The importance of the principles involved in the inquiry whether it will be proper to recharter the Bank of the United States, requires that I should again call the attention of Congress to the subject. Nothing has occurred to lessen, in any degree, the dangers which ~~[illegible]~~ many of our Citizens ~~respected Statesmen~~ apprehend from that institution as at present organised ~~nor is the opinion of its unconstitutionality less extensive or less deeply impressed~~. In the spirit of improvement and compromise which distinguishes our country and its institutions, it becomes us to inquire, whether it be not ~~proper~~ possible to secure the advantages afforded by the present Bank, thro' the agency of ~~the~~ Bank of the United States so modified in its principles and structure, as to obviate constitutional and other objections

① Reply

It is thought practicable to organise such a Bank with the necessary offices as a Branch of the Treasury Department, based on the public ~~[illegible]~~ and individual deposits, without

No 16

The Bank

Last

No 16

Conclusion

with specie. In times of public emergency the capacities of such an institution might be enlarged by ~~act of Congress~~ legislative provisions.

Barron These suggestions are made, not so much as a recommendation, as with a view of calling the attention of Congress to the possible modifications of a system which cannot continue to exist in its present form, without occasional collisions with the local authorities, and perpetual apprehensions and discontents on the part of the States and the people.

In conclusion, Fellow citizens allow me to invoke in behalf of your deliberations that spirit of conciliation and disinterestedness which is the gift of Patriotism. Under an overruling and merciful Providence ~~has thus far signalized its agency effi in advancing the prosperity and glory of our country. May we preserve its influence, and deserve its rewards.~~ the agency of this spirit has thus far been signalized in ~~the advancement of~~ the prosperity and glory of our beloved country. May its influence be eternal.

2nd Annual Message (?)

Indicatns:

a) Ref. to previous message, + correctn in Eatons hand

b) Figure of 10,354,630 [Final has 11,354,630 for payment on public debt.]

c) Tariff immediately precedes.

~~[R. II. 625.~~

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that are essential to our national independence, in a state of solid and permanent prosperity. Entertaining now the same views in regard to the policy of protection and the power of the Government to afford it, that were expressed in my last message, I beg leave to recommend them again to your serious consideration.

continued on A sheet 1

The amount of appropriations for the present year having been greater than the estimates for them, the amount of the public debt which has been paid on that account is proportionably less.

The last payment was made on the first of October - making the whole amount of principal & interest paid during the present year $10.354.630 ~~$ 460.756.17~~.

& in

Treasury

2nd Annual Message

VB's draft. Surplus sectn.
V. near final text.

~~R. II. 514.~~

2nd Annual Message

VB's draft of surplus
sectn
Correctns by N.P. Trist.
Nearly final text

~~R. II. 514 – 515.~~

appropriation ~~they~~ should insist on being redressed in those hereafter to be made, at the expense of those States, who have ~~already~~ so largely, & disproportionately participated, we have as matters now stand, but little security that the attempt will ~~[illegible]~~ do more than to ~~[illegible]~~ change the inequality complained of from one quarter to an other.

~~[illegible]~~ Thus viewing the subject, I have heretofore felt it to be my duty to recommend the adoption of some rule for the distribution of the surplus funds, which may at any time ~~[illegible]~~ remain ~~into~~ in the Treasury after the national debt ~~is~~ shall have been paid, among the States, ~~[illegible]~~ in proportion to their respective representations, in Congress, to be applied, by them to ~~[illegible]~~ objects of internal improvement.

Although this plan has met with favour in some portions of the Union, it has also elicited objections which merit deliberate the most deliberate consideration.

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A brief notice of those objections here, will not therefore, I trust be regarded ~~[illegible]~~ either as, out of place or irrelevant.

They rest, as far as they have come to my knowledge on the following grounds, viz 1st an objection to the ratio of distribution 2nd. an apprehension ~~That~~ the existence of such a regulation would ~~[illegible]~~ produce unnecessary and oppressive taxation, to raise the funds for distribution, & 3rd ~~lastly~~ that the mode proposed would lead to the construction of works of a local nature, to the exclusion of such as are of a general & ~~[illegible]~~ as would consequently be of a more useful character, & lastly that ~~[illegible]~~ the discreditable & injurious dependence it would create on the part of the State Governments upon the Federal power. ~~[illegible]~~ ~~[illegible]~~ ~~[illegible]~~

Of those ~~Some~~ who object to the ratio of representation as the basis of distribution ~~[illegible]~~ some insist that the exportations of the respective States

would constitute ~~one~~ one that would be more equitable, is preferable
of which again, that the extent of
their respective territories would
furnish a standard, which would
be more expedient, & sufficiently
equitable. The ratio of represen-
tation presented itself to my mind,
as it still does, as one of obvious
equity, because of its being the
ratio of contribution, whether
the revenue to be distributed be
derived from the customs or
from direct taxation. It does not
however follow that its adoption
is indispensable to the establish-
ment of the system proposed.
There may be considerations
appertaining to the subject, which
would render a departure from
the rule of contribution to some
extent, part of a resort to claims
of a different character, expe-
dient, & as it respects the interests
of the whole equitable;
. nor ~~it~~ is it not ~~would~~ absolutely necessary, that ~~the~~ basis of distribu-
-tion be ~~necessarily~~ exclusively confined

to either ground. It may, if in the judgment of those whose right it will be to fix it, it is deemed politic & just to do so, have regard to all. ~~[illegible]~~

8th

In my first annual Message I stated it to be my opinion "that it was not probable "that any adjustment of the "Tariff upon principles "satisfactory to the people of "the Union, will until a remote "period, if ever, leave the Gov- "ernment without a considerable "surplus in the Treasury beyond "what may be required for its "current service." I have had no ~~reason~~ cause to change that opinion, but much to confirm it. Should these expectations be realized, a suitable fund would thus be produced for the plan under consideration to operate upon; ~~but~~ and if ~~not~~ there be no such fund its adoption will in my opinion work do no injury to any interest. I cannot subscribe to the apprehension that the establishment of the proposed system would tend to the encouragement of improvident & excessive legislation of the character supposed. Whatever the proper authority, in the exercise of constitutional

power, shall, at any time hereafter decide to
be for the general good, will,
in that, as in other respects deserve,
& ~~doubtless~~ receive the acquiescence,
& support of the whole country;
& we have ample security,
that every abuse of power in
that regard, by the agents of
the people, will receive a
speedy & effectual corrective
at their hands. The views which
I take of the future, founded on
the obvious & increasing improvement
of all classes of our fellow citizens, in
intelligence & public & private
virtue, leave me without much
apprehension on that head.

I do not doubt, that those who
come after us, will be as much
alive as we are, to the duty
obligatory upon all the trustees
of political power, to exempt
those for whom they act, from
~~the~~ all unnecessary burthens

and as sensible of the great
truth, that, the resources of
the nation, beyond those which
are required for the immediate
& necessary purposes of the
Government, can ~~be~~ no where ~~where~~
so well be deposited, as ~~to remain~~ ~~them~~ who supply them.
the pockets of the people.

It may ~~even~~ sometimes
happen that the interests of
particular States, would not be
deemed to co-incide with the
general interest in relation to
improvements within such States;
But if the danger to be apprehended
from this source is sufficient to
require it, a discretion might be
reserved in Congress, to effect
improvements of a more general
character, affecting several States,
and which such States might
not be disposed to provide
for, by ~~by~~ directing the application
to such objects, of the quotas
of such State, or in some other
manner. It may however

be assumed as a safe general rule, that such improvements as serve to increase the prosperity of the respective States in which they are made, by giving new facilities to trade, and thereby increasing the wealth & comfort of their inhabitants, constitute the surest mode of conferring permanent and substantial advantages upon the whole. The strength, as well as the true glory of the confederacy, is ~~primarily~~ mainly founded on the prosperity & power of the several independent sovereignties of which it is composed, and the ~~facility~~ certainty with which they ~~cooperate~~ can be brought ~~into~~ successful active co-operation ~~the~~ ~~[illegible]~~ through the agency of the Federal Government.

It is moreover within the knowledge of such as are at all conversant with public affairs that schemes of Internal Improvements have from time to time been

3rd Annual Message

A.J.D.'s draft of part of the surplus acct.

~~R. II. 515.~~

we are to the ~~duty~~ obligations upon all the trustees of political power to exempt those for whom they act from all unnecessary burthens; and ~~to~~ as sensible of the great truth, that the resources of the nation, beyond those ~~which~~ are required for the immediate and necessary purposes of Government, can no where be so well ~~be~~ deposited as in the pockets of the people. ~~the supply [illegible]~~

It may sometimes happen that the interests of particular states, would not be deemed to coincide with the general interest in relation to improvements within such states. But if the danger to be apprehended from this source is sufficient to require it, a discretion might be reserved to congress, to ~~effect~~ direct, to such improvements of a ~~[illegible]~~ general character, ~~affecting several~~ as the states concerned might not be disposed to unite ~~states. and which such states might not~~ in ~~be disposed to furnish for yielding~~ the application ~~[illegible]~~ of the quotas of ~~such~~ those states, ~~[illegible]~~ under the restriction ~~[illegible]~~ of confining to each state the expen of it app quota. It may however be assumed as a safe general rule, that such improvements as serve to increase the prosperity of the respective states in which they are made,

2nd Annual Message

D. ' ' '
Part of Surplus sectn
Printer's copy

~~D. II. 510.~~

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and from a fund to the creation of which it had itself contributed its fair proportion. Surely there could be nothing derogatory in that. As matters now stand, the states themselves in their sovereign character, are not unfrequently petitioners at the bar of the Federal Legislature, for such allowances out of the national treasury as it may comport with their pleasure or sense of duty to bestow upon them. It cannot require argument to prove which of the two courses is most compatible with the efficiency or respectability of the state Governments.

Moore

But all these are matters for discussion and dispassionate consideration. That the desired adjustment would be attended with difficulty afford no reason why it should not be attempted. The effective operation of such motives would have prevented the adoption of the constitution under which we have so long lived, and under the benign influence of which our beloved country has so signally prospered. The framers of that sacred instrument had greater difficulties to overcome and they did overcome them. The patriotism of the people, ~~operating upon~~ directed by a deep conviction of the value of the Union

2nd Annual Message —

AJD's final draft [printer's marks] of part of surplus sectn.

~~R. II. 514–15.~~

~~in congress~~; to be applied by them to objects of internal improvement.

Altho' this plan has met with favor in some portions of the Union, it has also elicited objections which merit ~~the most~~ deliberate consideration. A brief notice of these objections here will not therefore I trust be regarded as ~~either~~ out of place ~~[illegible]~~

They rest as far as they have come to my knowledge on the following grounds. ~~viz~~:— 1st an objection to the ratio of distribution. 2d. an apprehension that the existence of such a regulation would produce improvident and oppressive taxation to raise the funds for distribution, — ~~and~~ 3d. that the mode proposed would lead to the construction of works of a local nature, to the exclusion of such as are of a general and as would consequently be of a more useful character. And lastly, that it would create a discreditable and injurious dependence on the part of the State Governments upon the Federal power. Of those who object to the ratio of representation as the basis of distribution, some insist that the importations of the respective states would constitute one that would be more equitable; and others again that the extent of their

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respective territories would furnish a standard which would be more expedient and sufficiently equitable. The ratio of representation presented itself to my mind, ~~as~~ and it still does, as one of obvious equity, because of its being the ratio of contribution, whether the funds to be distributed be derived from the customs or from direct taxation. It does not follow, however, that its adoption is indispensable to the establishment of the system proposed. There may be considerations appertaining to the subject which would render ~~expedient~~ a departure to some extent from the rule of contribution (~~to a certain extent~~) proper ~~and of respect to claims of a different character, (expedient) and mutual in regard to the interests of the whole, (material)~~. Nor is it absolutely necessary that the basis of distribution be ~~exclusively~~ confined to ~~the~~ one ground. It may, if in the judgement of those whose right it ~~will be~~ is to fix it, it ~~should~~ be deemed politic and just ~~to do so~~ to give it that character, have regard to several

In my first (~~annual~~ message I stated it to be my opinion "that "it ~~was~~ is not probable
"that any adjustment of the Tariff upon
"principles satisfactory to the people of the
"Union, will, until a remote period, if ever,
"leave the Government without a considerable

subject [illegible] never

character, would render [illegible]

the rule of contribution proper.

11

surplus in the Treasury beyond what may be required for its current service". I have had no cause to change that opinion, but much to confirm it. Should these expectations be realized, a suitable fund would thus be produced for the plan under consideration to operate upon, and if there be no such fund, its adoption will, in my opinion, work no injury to any interest. For I cannot ~~subscribe~~ assent to ~~the~~ distrust of the apprehension that the establishment of the proposed system would tend to the encouragement of improvident legislation of the character supposed. Whatever the proper authority, in the exercise of constitutional power, shall at any time hereafter decide to be for the general good, will in that, as in other respects, deserve and receive the acquiescence and support of the whole country. and we have ample security that every abuse of power in that regard by the agents of the people, will receive a speedy and effectual correction at their hands. The views which I take of the future founded on the obvious and increasing improvement of all classes of our fellow citizens, in intelligence and in public and private virtue, leave me without much apprehension on that head.

Jeffords

I do not doubt that those who come after us will be as much alive as

we are to the obligation upon all the trustees of political power to exempt those for whom they act from all unnecessary burthens, and as sensible of the great truth, that the resources of the nation, beyond those required for the immediate and necessary purposes of Government, can no where be so well deposited as in the pockets of the people.

It may sometimes happen that the interests of particular states, would not be deemed to coincide with the general interest in relation to improvement within such states. But if the danger to be apprehended from this source is sufficient to require it, a discretion might be reserved to Congress to direct, to such improvements of a general character as the States concerned might not be disposed to unite in, the application of the quotas of those states, under the restriction of confining to each state the expenditure of its appropriate quota. It may however be assumed as a safe general rule, that such improvements as serve to increase the prosperity of the respective states in which they are made

2nd Annual Message

D. corr. Trial

End of Surplus Sect.

Final Text – Printer's Copy?

~~R. [illegible]~~

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produced
(~~induced to~~) mutual concession and reciprocal forbear-ance. Strict right was merged in a spirit of compromise and the result has consecrated their disinterested devotion to the general weal. Unless the American people have degenerated, the same result can be again effected, whenever experience points out the necessity of a resort to the same means to uphold the fabric which their fathers have reared. It is beyond the ~~wit~~ power of man to make a system of Government like ours, or any other, operate with precise equality upon states situated like those which compose this confederacy; nor is inequality always injustice. Every state cannot ~~be~~ expect~~ed~~ to shape the measures of the General Government to suit its own particular interests. The causes which prevent it are seated in the nature of things and cannot be entirely counteracted by human ~~efforts~~ means. ~~(7)~~

Mutual forbearance
~~bear and forbear~~ become therefore becomes a duty, ~~obligatory upon all~~
and we may, I am ~~certain~~ confident, count ~~with~~ ~~confidence~~ [illegible] on a cheerful compliance with ~~this~~ high injunction on the part of our constituents. It is not to be supposed that they will object to make such comparatively inconsiderable sacrifices for the preservation of rights and privileges which other ~~and~~ less

[illegible]

16.

favored portion of the world have in vain waded thro seas of blood to acquire.

Mem —

Our course is a safe one, if it is but faithfully adhered to. Acquiescence in the constitutionally expressed will of the majority, and the exercise of that will in a spirit of moderation ~~temperance~~, justice and brotherly kindness, will constitute a cement which would forever preserve our Union. Those who cherish and inculcate sentiments like these, render a most essential ~~acceptable~~ service to their country; whilst those who ✗ ~~seek to~~ weaken ~~check their operation however expressed~~ conscientious ~~or imposing the patience under which it is attempted are, in effect its worst enemies~~.

If ~~the few~~ the intelligence and influence of the country, instead of labouring to foment sectional prejudices, to be made subservient ~~available~~ ~~in the prosecution of~~ partizan warfare, were, in good faith, applied ~~devoted~~ to the eradication of ~~the~~ causes of local discontent by the improvement of our institutions and by facilitating their adaptation to the condition of the times, this task would prove one of less difficulty ~~be an easy one~~. May we not hope, that the obvious interests of our common country, and the dictates of

x seek to weaken their influence are, however
conscientious and praiseworthy their intentions,
in effect its worst enemies.

an enlightened patriotism, will in the end, lead the public mind, ~~with one voice and one object~~, in that direction.

After all, the nature of the subject does not admit of a plan wholly free from objection. That which has for some time been in operation, is perhaps the worst that could exist, and every advance that can be made in its improvement is a ~~subject~~ matter eminently worthy of your most deliberate attention.

Mem

– It is very possible that one better calculated to effect the objects in view may yet be devised. If so, it is to be hoped that those who disapprove of the past, and dissent from what is proposed for the future, will feel ~~it to be~~ their duty to direct their attention to it, as they must be sensible that unless some fixed rule for the action of the Federal Government in this respect, is established, the course now attempted to be arrested will be again resorted to. Any mode which is calculated to give the greatest degree of effect and harmony ~~upon~~ to our Legislation upon the subject – which shall best serve to keep the movements of the Federal Government

A

15 9. 15 ~~[illegible]~~

within the sphere intended by those who modelled and those who adopted it — which shall lead to the extinguishment of the national debt in the shortest period, and impose the lightest burdens upon our constituents, shall receive from me a firm and cordial support.

2nd Annual Message

Whose hand? [clerk's, I think)

Draft of Tariff sect^{n} – basis of final text

Annotat^{ns} by VB

~~R. II. 523-5.~~

Among the numerous causes for gratitude to the Supreme Being and of congratulation to the Nation, the prosperous condition of our import revenues deserves particular remembrance.– They promise the means of extinguishing the public debt more speedily than was anticipated and furnish a practical illustration of the effects of the existing Tariff upon our commercial interests.– The present adjustment of the Tariff is objected to by some as unconstitutional, and in some of its parts by almost all as inexpedient.–

The power to lay duties on imports originally belonged to each separate State.– The right to adjust those duties with the view of giving protection and encouragement to Manufactures, is so intirely an incident to that power that it cannot exist without it.– The States delegated the power to the General Government without limitation or restriction.– It is therefore, possessed by the General Government with all its incidents, in as full a manner as it was by the States.– One of these incidents is the right so to adjust the duties as to give protection and encouragement to domestic manufactures and other kinds of industry.– If this right be not possessed by the General Government, it is extinct.– The States do not possess it, because they have delegated to the general Government the entire power to which it belongs.– If it be not in the general Government, our political System presents the anomaly of a people voluntarily stripped of the right–

Quere whether a general assurance of its constitutionality would not be preferable to an argument. B. F.

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+ The elder Adams did not + the
younger with qualifications

right to foster their own industry by legislation and counteract by retaliatory measures the selfish policy of foreign nations.— It is not extinct, because there is no constitutional inhibition of its exercise; It is vested in the general government, because the whole power to which it belongs was delegated by the States.— In this conclusion I am confirmed by the recommendations of the first President under the constitution and each+ of his successors, by the uniform practice of Congress; the continued acquiescence of the States and the general understanding of the people.

On the inexpidiency of the present adjustment of the Tariff, almost all agree.—Some despair of a remedy without a resort to threats or resistance; others fear to touch the objectionable parts, lest those they approve, should be involved in the ruin.— I am persuaded that both do injustice to the American people and to their representatives in Congress.— our people are not unjust, nor are their representatives corrupt. The general interest is the interest of each.— My confidence is entire, that to secure the adoption of such modifications of the Tariff as the general interests require, it is only necessary to make those interests understood.—

It is an infirmity of our nature to mingle our interests and prejudices with the operation of our reasoning powers, and attribute to the object of our likes and dislikes, qualities they do not possess and effects they do not produce.— The effects of the present Tariff are doubtless overestimated, both in its evils— and

and its advantages.– By one set of reasoners
the reduced prices of Cotton, and other agricultural
products is ascribed to this agent, and the reduced
price of manufactured articles, by another. – [The truth The Proba=
bility is that neither opinion approaches the truth
probably is, that neither is at all affected, or but
very slightly, by its operations.) – The depreciation
of prices extends through the commercial world and
embraces not only the raw material and manufactured
article, but provisions and lands. – The cause, therefore
is deeper and more pervading than the Tariff of the
in a measure be induced by
United States. – It may (probably be found in) the
induced
increased value of the precious metals produced
diminution
by a (reduction) of the supply. – while commerce has
rapidly extended its dominion and population in=
creased. The supply of gold and silver, the universal
medium of exchange, has been greatly interrupted
+ by civil convulsions in the mining countries. –
A partial effect has doubtless been produced
upon the price of produce and manufactures,
by an increase of operatives and improvements
in Machinery. – On the whole, there has not been
so much a reduction in the value of lands,
produce and manufactures as an appreciation
in the standard of value. – More value is repre
sented by the dollar than formerly. – The effect
has been like making the yard longer or the bushel
+ larger. – [It is not therefore in the general depre=
=ciation of the price of produce that the evils of
2ne the Tariff are felt, nor are its benefits to be found
in the diminished price of manufactured articles. –

were it blotted out of existence, the former would not be greater while the latter would perhaps be the less.

While

The chief object of a Tariff should be revenue; its exactions may be so adjusted as to encourage manufactures. - In this adjustment, however it is the duty of the Government to be guided directed by the general good. objects of national importance only ought to be protected. - of these, the productions of our soil, of our mines and our work shops, essential to national defence occupy the first rank. - Whatever other species of domestic manufacture which are [illegible] of the importance to which [illegible] can with temporary protection, be exported compete with the foreign article on equal terms, merits also the attention of government in the adjustment of the Tariff) It is the interest of the Farmer that the manufacturer shall be where he can furnish him with his raw material and provisions, if he do not have to pay too much for it. —

The present Tariff taxes some of the comforts of life unnecessarily high, undertakes to protect interests too local and minute to justify a general tax for their protection, and attempts to force the establishment of some species of manufactures for which the Country is not ripe. —

Much relief will be felt from the measures of last session, but the same policy may be

+ beneficially extended. - of all taxes next to a poll tax, a tax on the food and drink, and other necessaries & comforts of the citizen, is the most odious and unjust. —

It falls upon men, not in proportion to their ability to pay, but in proportion to the comforts they enjoy.— The rich do not feel it; but it sometimes obliges the poor to abridge their comforts.— Whether it comes in the shape of an excise upon bread or beer or an import duty upon sugar and tea, it is the same in principle and effect.— In other Countries, it has been made to reach every article of food and drink, clothing and furniture, fire and light, until the profits of labour have been entirely absorbed, producing penury, wretchedness, vice and crime.— A Government which consults the general happiness and prosperity, will never tax the necessaries and comforts of life except in cases of extreme necessity.—

It depresses every species of industry without benefit to any, and taxes alike poverty and wealth.

Such a modification of the Tariff as will abrogate or reduce the import duties on all articles which enter into the necessaries and comforts of life, I should view as peculiarly adapted to the promotion of every species of industry, and of none more than manufacturing.—

Perhaps the best criterion to determine whether a particular interest ought to be protected, is to submit it singly to the representatives of the people.— If, after full consideration unbiased by any extraneous matter, a majority decides that its protection will conduce to the general good, there is little danger of injury or wrong in so adjusting the Tariff as to produce that result.– It is worthy of inquiry, whether in the adjustment of the existing Tariff, two or more minor interests, neither of which singly, it was the interest of the people or the will of Congress to protect, did not, by combination, secure a common protection at the expence of the general good. [It is obvious that no union of minor interests can produce an aggregate greater than the same number of major interests; and each new interest added, instead of increasing the propriety of the measure, could only increase the ballance against it]– If portions of the Tariff were introduced by a combination of minorities in Congress representing local and minor interests, it follows that injustice was done to the people which ought to be repaired.—

not extremely intelligible
though doubtless just

It is also worthy of inquiry whether the agricultural interests would not be materially benefitted by a reduction of duties on such imported luxuries as are paid for abroad with our exported produce. If the Merchant pays for the † wine he drinks with produce purchased from the farmer, it is the farmers interest that the importation and consumption of wine should increase, his Market will be enlarged in the same proportion.—

† Leave out as to taking ~~wine~~ a
[illegible] of illustration

The Tariff is a subject of much delicacy, and, on account of the interests involved, should be touched with caution. While an abandonment of the policy in which it originated, a policy coeval with our Government and enforced through—

Succeſsive administrations, is neither to be expected nor desired, the people have a right to demand and a large portion of them do demand, that it shall be so modified as to correct abuses and obviate injustice, — It must not be forgotten, that the only just object of the protecting policy is the general good. — It is an abuse, when it is used as a means of laying a perpetual tax on one species of industry for the benefit of another, — The abuse is glaring, when it is used to concentrate benefits on one section of the union, and burdens on another, — It is an abuse, when selfish combinations protect a maſs of local interests at the expence of a double weight of general interests, taxing the whole people for the benefit of the few. — It is an abuse when it taxes the whole labor of the union for the protection of minute and local interests. — The abuse will be fatal to the purity of our Government and dangerous to the union, should the time come when the revenues thus raised will not be needed for any purpose of public utility; and members of the Government, instead of economizing the public funds, shall seek new objects of — expenditure as an apology for continuing unjust burdens upon the people. — The public debt will soon be paid. — Without a change in the Tariff it will then produce an annual

annual=

[illegible] revenue of about ten millions of dollars – Unleſs Congreſs give it back to the States, or fix on a general system of internal improvements, there is ground to fear that it will engender habits of profusion and practices of corruption unexampled in a republican government. – It behoves the people to consider, whether they will be taxed ten millions of dollars in the neceſsaries and comforts of life, merely that their Government may have the power, by expending it at will, to administer to the cupidity of its favorites, and in the manner of distribution, corrupt the very fountains of its authority. ——

a

2nd Annual Message (?)

D

Tariff Sect.

Earlier form, not used.

~~[illegible] 533-4~~

A

With whatever pride and satisfaction we may justly contemplate our national character it must in candour be admitted that it is not entirely exempt from that weakness common to human nature which mingling feeling with interest is too apt to forget the just limits of both. It is this tendency of the public mind which makes it so difficult to restrain the measures of the Government in relation to the Tariff to that medium course by which ruinous revulsions in the affairs of our citizens can alone be avoided, and those conflicting interests inseparable from any state of society best reconciled.

The excesses to which this subject is exposed, arising from its practical effects upon private interests which have varied with circumstances, are, on the one hand a disposition to oppose any encouragement of our manufactures by regulations of the commercial Tariff adapted to that end altho' a discreet exercise of that power has been repeatedly recommended by Washington, Jefferson, Madison, and Monroe, and acted

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upon by Congreſs in almost every stage of the Gov^{t}: and on the other hand, a temptation to lose sight of national objects and convert a measure which should be used alone with reference to the general good, to the promotion of private and local interests, regardless of its oppressive operation upon other quarters of the country equally entitled to the favor and protection of the Government; and what is perhaps worse than all to make this great subject so deeply affecting the private interests of every man in the community subservient to the sinister and short sighted views of faction.

I cannot, fellow citizens, too earnestly for my own feelings, or the common good of all, warn you against the blighting consequences of a course so exceptionable. The public voice must effectually discountenance it before the Tariff can be so adjusted as to prove satisfactory to the great body of the people and be accommodated to their general interests.

With whatever pride and satisfaction we may justly contemplate our national character, it must in candour be admitted that it is not entirely exempt from that weakness which mingling ~~our~~ feelings with our interests is too apt to forget the just limits of both. This tendency of the public mind makes it difficult to confine the measures of the Government to that middle course in our revenue concerns which advances all the great interests of the country by making each pay a part for their general security, while neither obtains an undue ascendency.

Probably

an earlier form of the 2nd
Annual Message – tariff
sectn: ~~Rich. II. 523-4~~

a

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at present the only causes to which this subject is exposed arise from its effect upon private interests. These on the one hand produce a disposition to oppose any encouragement of our manufactures by regulations of the commercial Tariff adapted to that object, altho' such a policy has been repeatedly recommended by Washington. Jefferson. Madison. and Monroe and has been supported by Congress in almost every stage of the Government - and on the other, they operate as a temptation to lose sight of national objects and convert a measure which should be used alone with reference to the general good to the promotion of local interests, regardless of the oppressive operation upon other sections of the country equally entitled to the protection of Government. Between these two tendencies, if the sinister and short sighted views of faction are not permitted to disturb the deliberations of congress, there ~~be~~ can be no doubt ~~of~~ such an adjustment of the Tariff can be effected as will prove satisfactory to the great body of the people and promote the permanent interests of the country.

D

Dear Sir,

2nd Annual Message

D., Cons. by Trust.
Tariff Sect.
Some is rewritten in Final.

~~R. II. 523~~

1. Tariff

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~~The protective wish~~ This surely cannot be the case; and the the protective power must be ~~within the~~ scope of the delegated ~~power~~ authority.

This surely cannot be the case; and the protective power, being undeniably comprised within ~~that~~ surrendered by the States, must be within the scope of the authority delegated to Congress.

Tariff 1

Among the numerous causes of congratulation ~~[illegible]~~, the condition of our impost revenue deserves particular remembrance, in as much as it promises the means of extinguishing the public debt ~~more rapidly~~ sooner than was anticipated, and furnishes a strong illustration of the practical effects of the present Tariff upon our commercial interests.

The object of the Tariff is objected to by some as unconstitutional, and in the adjustment of many of its parts by almost all as defective.

The power to impose duties on imports originally belonged to the several states. The right to adjust those duties with a view to the encouragement of manufactures, is so completely incidental to that power, that it is difficult to suppose the existence of the one without the other. The states delegated their whole ~~power~~ authority over ~~the subject~~ imports to the General Government without limitation or restriction, with all its incidents; and consequently, if the right to exercise ~~the power~~ this authority as protection be not possessed by the General Government, it having passed from the states, it must be

The States delegated their whole authority in relatn to duties on ~~over~~ imports to the General Govt. witht. limitn or restrictn. ~~& with all its~~ ~~the right to exercise~~ This authority ~~as protective~~ ~~with a view to protectn~~ having thus entirely passed from the States, ~~if~~ the right to exercise it ~~with a view to~~ ~~either for the purpose of~~ protectn ~~or any other~~ cannot exist in them; and, therefore, if it be not possessed by the general Govt. it must be extinct. +

extinct, and thus our political system would present the anomaly of a people stripped of the right to foster their own industry, and to counteract the most selfish & destructive policy of other nations. ~~by Legislation~~. It being vested in the General Government by the delegation from the States of their whole power, and there being no constitutional inhibition ~~of~~ to its exercise, it surely cannot be extinct. and hence must be within the scope of the ~~[illegible]~~ ~~under~~ granted powers

In this conclusion I am confirmed as well by the opinions of Presidents Washington, Jefferson, Madison, and Monroe, who have annually, have repeatedly, recommended the exercise of this right under the constitution, as by the uniform practice of Congress, the continued acquiescence of the States, and the general understanding of the people.

The difficulties of a more expedient adjustment of the present Tariff, altho great, are far from being insurmountable. Some are unwilling to improve any of its parts because they would the [illegible]. to destroy the whole; others fear to touch the objectionable parts lest those they approve should be jeopardised. I am persuaded that the advocates of these ~~antagonist~~ opposing conflicting opinions

2nd Annual Message

Kendall's draft of
Tariff Sect.

Only partially used

~~cf. R. II. 524~~

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and comforts of life except in cases of extreme necessity. It depresses every species of industry without benefit to any, and taxes alike poverty and wealth. ~~for the support of government~~.

Such a modification of the Tariff as will abrogate or reduce the import duties on all articles which enter into the necessaries and comforts of life, I should view as peculiarly adapted to the promotion of every species of industry and of none more than manufacturing.

Perhaps the best criterion to determine whether a particular interest ought to be protected, is to submit it singly to the representatives of the people. If, after full consideration unbiassed by any extraneous matter, a majority decides that its protection will conduce to the general good, there is little danger of injury or wrong in so adjusting the Tariff as to produce that result. It is worthy of inquiry, whether, in the adjustment of the existing Tariff, two or more minor interests, neither of which singly it was the interest of the people or the will of Congress to protect, did not, by combination, secure a common protection at the expense of the general good. It is obvious that no union of minor interests can produce an aggregate greater than the same number of major interests; and each new interest added, instead of increasing the propriety of the measure, would only increase the balance against it. If portions of the Tariff were introduced by a combination of minorities in Congress representing local and minor interests, it follows that injustice was done to the people which ought to be repaired.

It is also worthy of inquiry whether the agricultural interest would not be materially benefitted by a reduction of duties on such imported luxuries as are paid for abroad with our exported produce. If the merchant pays for the wine he drinks with produce purchased from the farmer, it is the farmer's interest that the importation and consumption of wine should increase, because his market will be enlarged in the same proportion.

The Tariff is a subject of much delicacy, and, on account of the interests involved, should be touched with caution. While an abandonment of the policy in which it originated, a policy coeval with our government and enforced through successive administrations, is neither to be expected nor desired, the people have a right to demand and a large portion of them do demand, that it shall be so modified as to correct abuses and obviate injustice. It must not be forgotten, that the only just object of the protecting policy is the general good. It is an abuse, when it is used as a means of laying a perpetual tax on one species of industry for the benefit of another. The abuse is glaring, when it is used to concentrate benefits on one section of the union and burdens on another. It is an abuse, when it taxes the whole labor of the union for the protection of minute and local interests. It is an abuse, when selfish combinations protect a mass of ~~minor~~ local interests at the expense of a double weight of general interests, taxing the whole people for the benefit of a few. The abuse will be fatal to the purity of our government and dangerous to the union, should the time come when the revenues thus raised ~~shall~~ will not be needed for any purpose of public utility; and members of the government, instead of economizing the public funds, shall seek new objects of expenditure as an apology for continuing unjust burdens upon the people. The public debt will soon be paid. Without a change in the tariff it. ~~our revenue~~ will then produce an annual surplus revenue ~~surplus~~ of about ten millions of Dollars. Unless Congress give it back to the states or fix on a general system of internal improvements, there is ground to fear that it will engender habits of profusion and practices of corruption unexampled in republican government. It behoves the people to consider, whether they will be taxed ten ~~their~~ millions of Dollars in the necessaries and comforts of life, merely that their government may have the power, by expending it at will, to administer to the cupidity of its favorites, and, in the manner of ~~its~~ distribution, corrupt the very fountains of its authority.

2nd Annual Message

Hand of N.P. Trist
Printer's copy
Part of Tariff Sectn

~~R. II. 594~~.

2d Annual Message

Hand of N.P. Trist

Part of Tariff
sectn — final
text [pr. copy?]

~~R. II. 594-5~~.

of our soil, our mines and our workshops essential to national defence occupy the first rank. Whatever other species of domestic industry having the importance to which I have referred may be expected after temporary protection to compete with foreign labor on equal terms merit the same attention in a subordinate degree.

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The present Tariff taxes some of the comforts of life unnecessarily high; it undertakes to protect interests too local and minute to justify a general exaction; & it also attempts to force some kinds of manufactures for which the country is not ripe. Much relief will be derived in some of these respects from the measures of your last session

The best, as well as fairest mode of determining whether, from any just considerations, a particular interest ought to receive protection, would be to submit the question singly for deliberation. If, after due examination of its merits, unconnected with extraneous considerations, — such as a desire to sustain a general System, or to purchase support for a different interest, — it should f

enlist in its favor a majority of the representatives of the people, there can be little danger of wrong or injury in adjusting the Tariff with reference to its protective effect. If this obviously just principle were honestly adhered to, the branches of industry which deserve protection would be saved from the prejudice excited against them when that protection forms part of a system by which portions of the country feel or conceive themselves to be oppressed. What is incalculably more important, the vital principle of our system, — that principle which requires acquiescence in the will of the majority, — would be secure from the discredit and danger to which it is exposed by the acts of majorities founded, not on identity of conviction, but on combinations of small minorities entered into for the purpose of mutual assistance in measures which, resting solely on their own merits, could never be carried.

4 More

I am well aware that this is a subject of so much delicacy on account of the extended interests it involves as to require that it should be touched with the utmost caution; and that while an abandonment of the policy in which it originated — a policy coeval with our Government, inforced through successive administrations is neither to be expected or desired, the people have a right to demand and have demanded, that it ~~[illegible]~~ be so modified as to correct abuses and obviate injustice

That our deliberations on this interesting subject should be uninfluenced by those partizan conflicts that are incident to free institutions is the ~~most~~ fervent wish of my heart. To make this great question which unhappily so much divides and excites the public mind subservient to the short sighted views

2nd Annual Message

Donelson - printer's copy?
Tariff sectn

~~R. II. 523.~~

1 ~~[illegible]~~ a [illegible]

The Library of Congress

Among the numerous causes of congratulation the condition of our impost revenue deserves special mention: in as much as it promises the means of extinguishing the public debt sooner than was anticipated and furnishes a strong illustration of the practical effects of the present Tariff upon our commercial interests.

The object of the Tariff is objected to by some as unconstitutional; and it is considered by almost all as defective in many of its parts.

The power to impose duties on imports originally belonged to the several states. The right to adjust those duties with a view to the encouragement of domestic branches of industry is so completely incidental to that power that it is difficult to suppose the existence of the one without the other. The states have delegated their whole authority over imports to the general Government, without limitation or restriction: saving the very inconsiderable reservation relating to their inspection laws. This authority having thus entirely passed from the states, the right to exercise it for the purpose of protection does not exist in them; and consequently if it be not possessed by the General Government it must be extinct. Our Political system would thus present the anomaly of a people stripped of the right to foster their own industry and to counteract the most selfish and destructive policy which might be adopted by foreign nations. This surely cannot be the case: this indispensable power, thus undeniably surrendered by the States, must be within the scope of the authority on the subject expressly delegated to Congress.

In this conclusion I am confirmed as well by the opinions of Presidents Washington, Jefferson, Madison and Munroe who have each, repeatedly recommended the exercise of this right under the constitution as by the uniform practice of Congress; the continued acquiescence of the States, and the general understanding of the people.

of the people.

The difficulties of a more expedient adjustment of the present Tariff, although great are far from being insurmountable. Some are unwilling to improve any of its parts because they would destroy the whole. Others fear to touch the objectionable parts lest those they approve should be jeoparded. I am persuaded that the advocates of these conflicting views

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do injustice to the American people, and to their representatives. The general interest is the interest of each: and my confidence is entire that to insure the adoption of such modifications of the Tariff as the general interest requires, it is only necessary that ~~those~~ that interests should be ~~well~~ understood.

Stop

It is an infirmity of our nature to mingle our interests and prejudices with the operation of our reasoning powers, and attribute to the objects of our likes and dislikes qualities they do not possess, and effects they cannot produce. The effects of the present Tariff are doubtless overrated both in its evils and in its advantages. By one class of reasoners the reduced price of cotton and other agricultural products is ascribed wholly to its influence, and by another the reduced price of manufactured articles ~~by another~~. The probability is that neither opinion approaches the truth, and that both are induced by that influence of interests and prejudices to which I have referred. The ~~depreciation~~ decrease of prices extends throughout the commercial world, embracing not only the raw material, and the manufactured article but provisions and lands.

C/

2nd Annual Message

D.
Treasury Estimates
Final T. — Printer's Copy.

~~R. II. 525.~~

2nd Annual Message

D.
End of Treasury Sect.
Final text, including ¶
Crossed out on verso

~~R. II. [illegible] 7~~

Treasury Dept. next to Tariff No 1

1

James

according to the estimates at the Treasury Department the receipts in the Treasury during the present year will amount to Twenty four million one hundred and sixty one thousand and eighteen dollars, which will exceed by about Three hundred thousand dollars the estimate presented in the last annual report of the Secretary of the Treasury. The total expenditures during the year exclusive of public debt ~~are~~ is estimated at Thirteen millions seven hundred and forty two thousand, three hundred and eleven dollars; and the payment on account of public debt for the same period will have been Eleven million three hundred and fifty four thousand; six hundred and thirty dollars - leaving a balance in the Treasury on the first of January 1831 of Four millions eight hundred and nineteen thousand, seven hundred and eighty one dollars.

2 No. 2

In connection
~~connected~~ with the condition of our finances it affords me pleasure to remark that judicious and efficient arrangements have been made by the Treasury Department for securing the pecuniary responsibility of the public officers ~~and the more certain and punctual payment of the public dues~~ The revenue cutter service has been organized and placed on a good footing, and aided by an increase of inspectors at exposed points and the regulations adopted under the act of May 1830 for the inspection and appraisement of merchandize, has produced much improvement in the execution of the laws and more security against the commission of frauds upon the revenue. Abuses in the allowances for fishing bounties have also been corrected and a material saving ~~of~~ — . .

in that branch of the service thereby effected. In addition to these improvements the system of expenditure for sick seamen belonging to the merchant service has been revised and by being rendered uniform and economical the benefits of the fund applicable to this object have been usefully extended.

(over)

2

extended.

The prosperity of our country is also further evinced by the increased revenue arising from the sale of the public lands, as will appear from the report of the commissioner of the General Land office and the documents accompanying it which are herewith transmitted. I beg leave to draw your attention to this report, and to the propriety of making early appropriations for the objects which it specifies.

In – insert this

2nd Annual Message

D.

Conclusion of Treasury sectn.

Only 1st 7 lines retained.

~~Ro. II. 517~~

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15.

within the sphere ~~(of operation)~~ intended ~~fairly~~ by those who modelled and those who adapted it - which shall lead to the extinguishment of the national debt in the shortest period, and impose the lightest burthens upon our constituents, shall receive from me ~~by whomsoever it may be suggested~~ a firm and cordial support.

In conclusion I beg leave to say that something is due even to the prejudices and passions of our political brethren, because we are all subject to like infirmities. Who would sacrifice our union to the pride of opinion or the point of honor? It is better to yield much that is right than to sacrifice the inestimable blessings of our present Government. How will that man stand before God and posterity who in struggling to obtain some local or temporary good though of much importance, shall break asunder the bonds of our union and convert millions of brethren into aliens and enemies. Least of all will he stand excused, who, wielding the powers of the General Government, shall abandon the safe course of leaving to the States the manage-ment of their internal concerns, and, in attempting to subject them entirely to a central

Out.

power, force them to seek in separation the preservation of their useful existence and of the liberties of the people. The world is governed too much. We partake of the common error. We do not reflect that it is more the true end of Government to protect than to direct or control. Men need Government to enable them to pursue their several occupations unmolested. Our states established the general Government to enable them to exercise their sovereign powers unmolested. Men do not choose a Government to oppress them, nor did our states create the General Government to destroy them. They expected to be left independent in the exercise of every reserved power. The cord of union may be drawn too tight. There are interests, opinions, habits and prejudices which must not be brought in conflict. Why has the fairest portion of Europe been recently drenched in blood? Not because Holland and Belgium had not a common interest in union, but the union was too close. Had each been left to the unrestrained indulgence of its own peculiar opinions and prejudices and the management of its

3rd Annual Message

D
Vetoes Sectn
Printer's Copy

~~R. II. 511–12.~~

5

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political system. I know of no tribunal to which a public man in this country, in a case of doubt and difficulty, can appeal with greater advantage or more propriety than ~~to~~ the judgment of the people; and although I must ~~generally~~ necessarily in the discharge of my official duties be governed by the dictates of my own judgment, I have no desire to conceal my anxious wish to ~~do so,~~ conform as far as I can, ~~in conformity~~ ~~with~~ to the views of those for whom I act.

Rodgers

All irregular expressions of public opinion are of necessity attended with some doubt as to their accuracy, but making full allowances on that account I cannot, I think, deceive myself in believing, that the acts referred to, as well as the suggestions which I allowed myself to make in relation to their bearing upon the future operations of the Government, have been approved by the great body of the people. That those whose immediate pecuniary interests are to be affected by ~~the~~ proposed expenditures should shrink from the application of a rule which prefers their more general and remote interests to those which are personal and immediate is ~~perhaps~~ to be expected. But even such objections must, from the nature of our population

out 2

be but temporary in their duration: And if it were otherwise our course should be the same; for the time is yet, I hope, far distant, when those intrusted with power to be exercised for the good of the whole, will consider it either honest or wise to purchase local favor at the sacrifice ~~expense~~ of principle and the general ~~welfare~~ good

So understanding ~~the~~ public sentiment and thoroughly satisfied ~~as I am~~ that the best interests of our common country imperiously require that the course which I have recommended in this regard should be adopted, I have upon the most mature consideration, determined to pursue it ~~for the residue of my term of office~~.

It is due to candor as well as to my own feelings that I should express the reluctance and anxiety which I must at all times experience in exercising the undoubted right of the executive to withold his assent from bills on other grounds than ~~(those of)~~ their unconstitutionality. That this right should not be exercised on slight occasions, all will admit. It is only in matters of deep interest when the principle involved may be justly regarded as next in importance to infractions of

the constitution itself that such a step can be expected to meet with the approbation of the people. Such an occasion do I conscientiously believe the present to be. In the discharge of this delicate and highly responsible duty, I am sustained by the reflection that the exercise of this power has been deemed consistent with the obligation of official duty by several of (~~the wisest and ablest of~~) my predecessors, & by the persuasion too, that whatever liberal institutions may have to fear from the encroachments of Executive power, (~~a tendency so congenial to its nature and~~) which has been every where the cause of so much strife and bloody contention, but little danger is to be apprehended from a precedent by which that authority denies to itself the exercise of powers that ~~that~~ bring in their train influence and patronage of great extent, and thus excludes the operation of personal interests, every where the bane of official trust. I derive too, no small degree of satisfaction from the reflection, that if I have mistaken the interests and wishes of the people, ~~they~~ constitution affords the means of soon ~~will have [illegible] an opportunity of~~ redressing the error ~~themselves~~ by selecting for the place their favor has bestowed upon me, a citizen

M/ whose opinions may accord with their own. I trust in the mean time the interests of the nation will be saved from prejudice, by a rigid application of that portion of the public funds which might otherwise be applied to different objects, to that highest of all our obligations, the payment of the public debt; and an opportunity be afforded for the adoption of some better rule for the operations of the Government in the matter than any which has ~~been~~ hitherto been acted upon.

Profoundly impressed with the importance of the subject, not merely as it relates to the general prosperity of the country but to the safety of the Federal system. I cannot avoid repeating my earnest hope that all good citizens who take a proper interest in the success and harmony of our admirable political institutions, and who are ~~are~~ incapable of desiring to convert an opposite state of things into means for the gratification of personal ambition, will, laying aside ~~all~~ minor considerations and discarding local prejudices, unite their honest exertions to establish some fixed general principle which shall be calculated to effect the greatest extent of public good in regard to the subject of internal improvement - and afford the least ground for sectional discontent.

3d Annual Message

End of veto sect.

Excised, as per J's note

Cert Aut No. 2

portland Canal bill

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own internal concerns, their union under the same executive head might have been perpetual. Let us learn wisdom from the admonitions of reason and the force of example. Let us not attempt to force our states into too close a union, let experience teach us our folly in the same bloody lesson

2nd Annual Message

D.

War Dept — Final text.

~~C. II. 336 ¶ 2~~

n. 3

War Dept.

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Barnard

War report - next to Treasury

Your attention is again invited to the subjects connected with that portion of the public interests entrusted to the War Department, ~~which call for further Legislation~~. Some of them were ~~[illegible]~~ referred to in my former message, and they are ~~detailed~~ presented in detail in the report of the Secretary of War herewith submitted. I refer you also to the report of that officer for a knowledge of the state of the Army, fortifications, arsenals & Indian affairs; all of which it will be ~~seen~~ perceived have been guarded with zealous attention and care. It is worthy of your consideration whether the armaments necessary for the fortifications on our maritime frontier which are now and shortly will be completed, should not be in readiness sooner than the customary appropriations will enable the ~~Government~~ Department to provide them. This precaution seems to be ~~[illegible]~~ due to the general system of Fortification which has been sanctioned by Congress, and is recommended

No. 4

by that maxim of political wisdom which ~~experience~~ tells us in peace to prepare for war.

End of Sig 3,

2nd Annual Message

VB's draft – a few pencil corrs. by J.

Basis of final text, & in considerable part already final.

Incomplete

~~R. II. 508 – 510.~~

1

at your last session and almost at the moment of its adjournment two Bills viz the one entitled "an act making appropriations for building light houses, light boats, beacons & monuments, placing buoys, and for improving harbors & directing surveys - the other × were submitted for my approval. It not being in my power to give them the consideration due to their character and importance I was under the necessity of holding them over the session for deliberation. Not having been able to reconcile an approval of all their enactments with my views of duty, they did not receive my signature within the constitutional period, & have of course failed to become laws. They are now returned to the houses in which they respectively originated with the reasons for withholding my approval.

× × the other entitled "an act to authorize a subscription for stock in the Louisville & Portland canal company

I cannot approve them. They are now returned here

The practice of defraying out of the Treasury of the U. States the expenses incurred by the establishment & support of Light Houses beacons, buoys, & public piers within the bays, inlets, harbours & ports of the U. States to render the navigation thereof safe & easy has been co-~~equal~~ eval with the addoption of the constitution, & of uninterupted and undisputed continuance.

As our foreign commerce increased & was extended into the interior of the country, by the establishment of ports of entry and delivery upon our navigable rivers, the sphere ~~seats~~ of those expenditures received a corresponding enlargement. Light Houses ~~[illegible]~~ beacons, & buoys & public piers, ~~authorised~~ ~~were~~ & and the removal of sand bars, sawyers, & other partial and temporary impediments ~~[illegible]~~ in the navigable rivers & in the harbors ~~which~~ were & embraced in the revenue districts from time to time established by law, were authorised & directed by Congress, upon the same principle, and the expenses incurred thereby defrayed in the same way.

That those expenses have at times been extravagant & disproportionate is very probable. The circumstances under which they ~~are~~ are incurred

are well calculated to lead to such as
results; unless applications of that character
are subjected to a close scrutiny.
The local advantages arising from
the disbursement of the public money,
the liberal prices usually paid for the
ground on which the light houses are
placed & the creation of a new office
in each case, too frequently, it is to
be feared stimulate to applications of that description
~~for~~ appropriations for objects + which
are neither necessary nor useful.
+ The number of light House Keepers is
already very large and the Bill before
me proposes to add ~~sixteen~~
more. + It is in this as well ~~as~~ as in other respects our + duty to avoid ~~all~~ all unnecessary expense
as well as ~~all~~ every increase of
patronage not called for by the
~~wants~~ public service: ~~[illegible]~~
~~duty~~. But in the discharge of that
duty in this particular it must
not be forgotten that in relation to
our foreign commerce the burden
& benefit of accommodating and
protecting it necessarily go together,
and must do so as long as the
public revenue is drawn through

+ From some representations upon the subject which have
+ fallen under my observation & which are understood
to be entitled to respect there would seem to
be the best reason to believe that there has have
not only been great improvidence in the expen-
-ditures ~~of~~ of the Government upon these objects
but that the security of navigation has in some
instances been injuriously diminished by the multiplication & consequent
change of the lights upon the coast.

the custom House. Whatever gives facility and security to navigation cheapens imports & all who consume them, wherever residing are alike interested in whatever has that effect. If they consume they ought as they now do pay. If they do not consume they do not pay. The consumer in the most inland State derives the same advantage from the necessary and prudent expenditure for the facility and security of our foreign commerce and navigation as the consumer in a maritime State. Other local expenditures have not of themselves a correspondent operation.

To a bill making direct appropriations for such objects I should not have withheld my assent. The one now returned does so in several particulars but it also contains appropriations for a surveys of a local character which I could not approve. I have therefore+ allowed it to pass and it gives me satisfaction to find that no serious public inconvenience

+ & disapproved it

has resulted from the act, nor will it I trust be cause of regret that an opportunity will be thereby afforded for Congress to review its provisions under circumstances better calculated for full investigation than those under which it was passed.

In speaking of *direct* appropriations I mean to exclude the practice which has obtained to some extent, & to which I have in one instance, & in a different capacity, given my own assent that of subscribing to the stock of private associations.

Positive experience and a more thorough consideration of the subject have convinced me of the impropriety as well as inexpediency of such investments. All improvements effected by the funds of the nation for general use should be open to the enjoyment of our own Citizens exempted from the payment of tolls or ~~other~~ any imposition of that character. The practice of thus mingling the concerns of the Government with those of the States or of individuals is inconsistent with the objects of its institution and highly impolitic. The successful operation of the Federal system can only be preserved by confining it to the few and simple but yet important objects for which it was designed. The practice referred to if allowed to progress as it has recently done must in a short time change the entire character of this Government. nor can I perceive how bills authorizing such subscriptions can be otherwise regarded than as bills for revenue and consequently subject to the rule in that respect prescribed by the constitution. If the interest of the Government in private companies is subordinate to those of individuals, the management & control of ~~those~~ a portion of the public funds is delegated to an authority unknown to the constitution & beyond the supervision of our constituents. If superior its officers & agents will be constantly exposed to imputation of oppression and favoritism. Direct prejudice to the public interest or an alienation of the affections & respect of portions of the people, in may, therefore in addition to the general discredit resulting to the Government from embarking with its constituents in pecuniary speculations, ~~may~~ be looked for as the probable fruits of such associations. It is no answer to this objection to say that the extent of consequences like these cannot be great from a limited & small number of investments because our experience in other matters teaches us & we are not at liberty to disregard its admonitions, that unless an entire stop is put to it, it will soon be impossible to prevent their accumulation until they are spread over the whole country & be made to embrace many of the private & appropriate concerns of individuals.

3

~~common or~~ of individuals. This mode of aiding such works is ~~so~~ also in its nature deceptive & in many cases conducive to improvidence in the ~~app~~ administration of the ~~public~~ national funds. Appropriations will be ~~so~~ obtained with much greater facility & granted with less security to the public interest when the measure is thus disguised, than when definite & direct applications of ~~[illegible]~~ money ~~is~~ are asked for. The interests of the nation would doubtless be better served by avoiding all such indirect modes of aiding particular objects, & in a government like ours more especially, should all its public acts be as far as practicable simple undisguised & intelligible, ~~[illegible]~~ that they may ~~have~~ become fit subjects for the approbation, or correction of the people. The Bill authorizing a subscription to the L & P. canal affords a striking illustration of the difficulty of withholding additional appropriation for the same object when the first ~~wrong~~ erroneous step is taken by instituting a partnership between the Government & private companies. It proposes a third subscription on the part of the U. S. when each preceding one was at the time regarded as the extent of the aid which Government was to render to that work; and ~~[illegible]~~ ~~[illegible]~~ the accompanying bill for Light Houses &c contains an appropriation for a survey of the bed of the river, with a view to its improvement by removing the obstruction which the canal is designed to remedy, & which improvement if successful would afford a free passage of the river, & thus render the canal ~~comparatively~~ entirely useless. To such improvidence in the course of legislation in regard to ~~the~~ internal improvements which has hitherto obtained even with the best intentions on the part of Congress.

although the motives which have influenced me in

J's draft of 2nd Annual Message,
Dec 6, 1830 ?

cf. Richardson's Messages & *Papers*, II. 523-4
wh. wd. seem to be an expansion of J's
language here.

Among the numerous cause for gratitude to
the Supreme being, and of congratulation
to the nation, the prosperous state of our im=
=port revenues is not to be overlooked- It
will not only afford the means more ra=
=pidly than was anticipated of absorbing
the public debts, but it tends to shew
that the Tariff has not been productive
of these evils to our commerce which
were so confidently anticipated by its
oponents- by the vigilence of our
Custom House officers smuggling
has been measurably kept down and
the revenue laws well executed consi=
=dering how great the temptations for
violating them; ~~[illegible]~~ the public debt beyond to be paid I would recom=
=mend a judicious revision of the Tariff safe
guarding the labour of our own country
by virtual vigilence, by placing it on a
fair competition with those of other
countries, and by reducing ~~the~~ duty on all
articles that do not come in competition
with our own labours &c-

The public

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2nd Annual Message

final text in hand of
A. J. D.

~~R. [illegible] 524~~

LIBRARY

The cause must therefore be deeper and more pervading than the Tariff of the United States. It may in a measure be attributable to the increased value of the precious metals produced by a diminution of the supply and an increase in the demand; while commerce has rapidly extended its dominion, and population has ~~increased~~ augmented. The supply of gold and silver, the ~~universal~~ general medium of exchange, has been greatly interrupted by civil convulsions in the countries from which they are principally drawn. A ~~partial effect~~ part of the effect too ~~has~~ is doubtless ~~been produced by~~ owing to an increase of operatives and improvements in Machinery. But on the whole it is ~~believed that~~ questionable whether the reduction in the ~~value~~ price of land, produce, and manufactures has ~~not~~ been greater than ~~in~~ the appreciation of the standard of value.

Brue

While the chief object of ~~a Tariff~~ duties should be revenue, ~~its operation~~ they may be so adjusted as to encourage manufactures. In this adjustment however, it is the duty of the Govt. to be guided by the general good. Objects of national importance alone ought to be protected — of these the productions d

~~2d~~ Annual Message —

Conclusn of tariff sectn:

Final - printers copy

~~R [illegible] 325.~~

4 Continued.

h

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lost see

Note

[illegible]

of faction must destroy all hope of settling it satisfactorily to the great body of the people and for the general interests. I cannot therefore, on taking leave of the subject, too earnestly for my own feelings or the common good warn you against the blighting consequences of such a course ~~[illegible]~~

On page 24

2nd Annual Message

P. M. G. Sectn

Final text reworded

[Hand of W. T. Barry?]

~~R. I 526-7~~

The Report of the Post Master General in like manner exhibits a satisfactory view of the important branch of the government under his charge. In addition to the benefits already extended by the operations of the Post office Department, considerable improvements have been secured within the present year, by an increase in the accommodation of stage-coaches & in the frequency and celerity of the transportation of the mail between some of the most important points of the Union; ~~and~~ these improvements have been provided for, at an estimated saving to the Department of upwards of seventy two thousand dollars. Notwithstanding the excess of expenditure beyond the current receipts for a few years past, necessarily incurred in the fulfillment of existing contracts, and in the additional expenses, between the periods of contracting, ~~necessary~~ to meet the demands created by the rapid growth & extension of our flourishing country, yet the satisfactory assurance is given that the future revenue of the Department will be sufficient to meet its extensive engagements. The system which has been recently introduced, that subjects its receits & disbursements to strict regulation has in its operation entirely fulfilled its design. It gives full assurance of the certainty of account both of transmission and preservation of the funds of the Department. The efficiency and industry of its officers, and the ability and energy of ~~its~~ the Contractors, justify an increased confidence in ~~the~~ its continued prosperity ~~of the~~ ~~[illegible] Department~~.

2d Annual Message

Atty. Gen. Scott.

Slightly reworded in final text

[Doesnt look like Berrien's hand]

R. II. 527-8

The attention of Congreſs was called in the meſsage of December 1829, to the neceſsity of such a modification of the office of the Attorney General of the United States, as would render it more adequate to the wants of the public service. This resulted in the establishment of the office of Solicitor of the Treasury, and the earliest measures were taken to give effect to the provisions of the law, which authorized the appointment of that officer, and defined his duties. But it is not believed, that this provision however useful in itself, is calculated to supercede the neceſsity of extending the duties and powers of the Attorney General's office. On the contrary I am perfectly convinced that the public interests would be greatly promoted, by giving to that officer the general superintendence of the various law agents of the Government, and of all law proceedings whether civil or criminal, in which the United States may be interested, allowing to him at the same time, such a compensation, as would enable him to devote his undivided attention to the public business. I think such a provision is alike due to the public, and to the officer—

Occasions of reference from the different Executive departments of the Government

to

to the Attorney General, are of frequent occurrence, and the prompt decision of the questions so referred, tends greatly to facilitate the dispatch of business in those departments. The accompanying report of the Secretary of the treasury, shews also a branch of the public service, not specifically entrusted to any officer, which might be advantageously committed to the Attorney General—

But independently of these considerations, this office is now one of daily duty. It was originally organized, and its compensation was fixed, with a view to occasional service, leaving to the incumbent time for the exercise of his profession in private practice. The state of things which warranted such an organization no longer exists. The frequent claims upon the services of this officer, would render his absence from the seat of Government, in professional attendance upon the Courts, injurious to the public service, and the interests of the Government could not fail to be promoted by charging him with the general superintendence of all its legal concerns—

Under a strong conviction of the truth of these suggestions, I recommend it to Congreſs

Congreſs to make the neceſsary provisions for giving effect to them, and to place the Attorney General in regard to compensation, on the same footing with the heads of the several Executive departments —

2d Annual Message

Jackson's draft (?) of D.C.
and penitentiary sectns
abbreviated & reworded in final text
(& not for the better)

~~R, III, 528~~

The District of Columbia requires your consideration, and I ask your particular attention to its situation. A place of ten miles square placed by the constitution under the peculiar controle of Congress, by whom exclusive jurisdiction is possessed, certainly demands to have extended to it greater care than has hitherto been ~~extended~~ ~~that~~ bestowed. The inconsiderable interest that uniformly has been felt in relation to this subject, and the want of attention which has been manifested, is proof how little is to be expected from the legislation of Congress in reference to ordinary local details. Matters of high importance to ~~[illegible]~~ of the country engross the attention of members, and hence but little time or even ~~attention~~ inclination is had to examine into those which are of ~~minor~~ local considerations, & in which none of the constituents of the representatives are immediately interested. For a class of citizens immediately under the view of Congress, to possess fewer advantages than are enjoyed by other portions of the union cannot fail by the contrast, in the end to be productive of injurious effects. Different laws with different penalties, are found to prevail within the District, so that at one side of the river Potomac imprisonment, & on the other side death is inflicted for the same crime offence. Many laws which existed years ago remain unchanged, and without amelioration by the march of mind and improvement in the principles of Government. These things require immediate consideration and change, after some plan to be agreed upon by Congress. This district being under the immediate care & controle of Congress, greater and caution should be taken that there should be afforded no cause of just complaint. As the people cannot participate in legislation before congress a mode of ascertaining their grievances & their wants should be afforded. A Delegate might answer this purpose, thro whom the wishes & wants of the community might be made known. Every citizen not in theory, but in practice, ought to understand the principles of our free government - the extent of representative authority, & dependence & responsibility to the people ~~elect~~ who elect. A mutual & proper relation & dependance between governors & governed, must necessarily be cherished to give efficiency & stability to any form of government, republican in its character. Here this is not the case: something of limited local legislation, has heretofore been conceded while a more enlarged one resides in congress, where seldom time is found to give attention to matters, which ~~of the~~ local, one of high consideration to many of our citizens, & where none of them are permitted to be present to make known truly as they should be, those things which are necessary and proper to be acted upon for their benefit. That these evils may meet with a remedy I have thought it ~~[illegible]~~ to proper to present ~~[illegible]~~ to Congress for their immediate action

The penitentiary is ready for the reception of convicts, & only awaits the legislation by congress, necessary to put it into operation. Upon this subject I beg leave to draw your attention to my communica: of last session:

Dec 6, 1830

Portion of final text of
2nd Annual Message

Richardson *MPP*, 507-8.

No. 1 - Introduction
a foreign relations

THE LIBRARY OF CONGRESS

has been asked for by the Representative of Austria; and in the mean time the rapidly increasing trade and navigation between ~~of~~ the two countries has been placed upon the most liberal footing of our navigation acts.

Several alleged depredations have been recently committed on our commerce by the national vessels of Portugal. They have been made the subject of immediate remonstrance and reclamation. I am not yet possessed of sufficient information to express a definitive opinion of their character but expect soon to receive it. No proper means shall be omitted to obtain for our citizens all the redress to which they may appear to be entitled.

No 14

all receivd

2nd Annual Message

VB's Draft of [illegible]
Sectn

Partly final text [illegible]
[illegible]

~~R. II. 503-505~~

2nd Annual Message

VB's draft of [illegible] Sectn
and for affs sectn, extensively
rewritten, [illegible]
in final text

~~R. II. 500-[illegible]~~

2nd Annual Message

VB's draft of for. affs
sectn — practically
final

~~R. II. [illegible]~~

2nd Annual Message

B

Part of For. affs sectn
Practically final text

~~R. II. 503-4~~

2nd Annual Messag

VB's draft of for.
Sectn.

Slight verbal alteratn
in final text

~~R. II. 506~~
~~R. II. 507-8~~

I congratulate you Fellow Citizens on your return to the seat of the national Government to resume the important duties committed to you by the People.

LIBRARY OF CONGRESS

It is cause for general satisfaction & for thanks to almighty God, that the return of this period finds our beloved country in the enjoyment of unequalled prosperity & happiness.

In the midst of these blessings, we are called upon to witness changes in the affairs of other nations which impart the deepest interest to their condition; and may in their consequences, require the exercise of all our patriotism, together with the best exertions of our public functionaries to conduct our concerns in safety through the hostile struggles & convulsions of a distracted world.

The recent acts of the French People
have elicited in this country a
spontaneous and universal burst
burst of applause. This vivid
expression of public sentiment, so
creditable to the intelligence and
spirit of the american people,
was no less consistent with that principle
in our foreign policy which, consecrated
by the dying admonitions of the
Father of his Country enjoins a
total abstinence from interference
in the private concerns of other
nations. From a people who feel
themselves sovereign — who know
that from this moral characteristic
~~[illegible]~~ is derived much of the
unequalled happiness they enjoy —
who can point in triumph to
their free institutions and challenge
comparison with the fruits
which they bear, and the intelligence
moderation & discretion — with which they
are administered — from such ~~the~~ a
people the deepest sympathy was
X to be expected in such a struggle
as that to which I have adverted.

3

the more especially was this to be expected when that struggle was, like the present, of a character to disarm Revolution of its terrors — when it so emphatically announced itself as the noble fruit of great moral developments, dissimilar in every thing from to those displays of brute force provoked by grinding oppression which extorted tears of blood by their excesses. — Among the considerations which give interest to this undissembled homage of a free people to the great cause of human rights, its perfect exemption from aught like personal feeling, or individual preferences, is not the least gratifying. Notwithstanding the high character given of the present King of the French, by him whom we all so warmly love & so highly admire, a character which if sustained to the end, will secure to him the proud appellation of Patriot King; it is nevertheless not in his success, but in that of the great principle which has borne him to the Throne — the paramount authority of the public will — that the American people rejoice.

In turning our attention to affairs more immediately affecting ourselves, we find cause for gratification in what has been, & for hope in what remains to be done.

I am happy to inform you that the anticipations which were indulged at the date of my last communication on the subject of our foreign affairs have been in several important particulars fully realized.

An arrangement has been effected with the Government of Great Britain in relation to the trade between the U. S. and her West Indian & North American colonies. By it, a topic question which has for nearly forty years afforded matter of contention and almost uninterrupted discussion, and been the subject of no less than five six negotiations, has been finally settled in a manner which is thought to promise results highly favorable to the parties.

Alteration 8

The abstract right of Great Britain to monopolize the trade ~~of~~ with her colonies, or to exclude us from a participation therein has never been denied by the U. S. But we have contended & with reason, that if G. B. deems the productions and resources of this country to be at any time necessary to her colonies, we cannot permit them to be supplied except upon principles of fair reciprocity:—

5 and, further, that when she conceives it to be for her interest to open her colonial ports to the vessels of other nations, it is making an invidious and unfriendly distinction to keep them closed agst. those of the U. S.

Antecedently to 1794, a portion of our productions were admitted into the colonial Islands of Great Britain by concessions (proclamation of her Executive) limited always to the term of one year, but generally renewed from year to year. In the carriage of these productions however, our vessels were not allowed to engage: this being a privilege reserved to British shipping; by which alone our produce could be taken from us, & that of the Islands brought back in exchange. From Newfoundland and her continental possessions, all our productions, as well as our vessels were excluded: — with occasional relaxations in regard to the former, by which, in times of distress, they were admitted in British bottoms.

By the Treaty of 1794 the offered to conceded to us for a limited time, the right of carrying to her West India possessions, in our own vessels not exceeding seventy tons burden and upon the same terms as British vessels, any productions of the U. S. which British vessels might import therefrom. But this privilege was coupled with conditions which are supposed to have led to its rejection by the Senate: viz, that American vessels should land their cargoes in the U. States only; and moreover, that they should, during the continuance of the privilege, be precluded from carrying molasses, sugar, coffee, cocoa or cotton either from the said Islands or from the U. States to any other part of the world. — G. Britain readily consented to expunge the article from the treaty: and subsequent attempts to arrange the terms of that trade either by treaty stipulations or concerted legislation, having failed; it has been successively suspended & allowed, according to the separate and varying legislation of the parties.

The following are the prominent points which have in latter years separated the two Governments: —

7 Besides a restriction whereby all impor-
tations into her colonies in American
Vessels are confined to our own
alteration products carried (~~directly~~) hence, —
a restriction to which it does not
appear that we have ever objected, —
a leading object on the part of
G. Britain has been to prevent
us from becoming the carriers
of British West India commod-
ities to any other country than
our own. — On the part of the
U. States it has been contended, —
1st. That the subject should be
regulated by Treaty stipulations in
preference to separate legislation;
2d. That our productions when
imported into the colonies in ~~question~~ question,
+ should not be subject to higher
duties than the productions of
the mother Country or of her
+ other colonial possessions: and
3d. That our vessels should be
allowed to participate in the
5 circuitous ~~trade~~ between the U. S.
alteration and ~~G. B. through her colonies~~ the British ~~possessions~~ dominions
The former point, after having

9

~~a different aspect, they constitute a nearer approach to it than has ever yet been allowed~~. That the prosperity of the country, so far as it depends on this trade, will be greatly promoted by the new arrangement, there can be no doubt. Independently of the more obvious advantages of an open and direct intercourse, its establishment will be attended with other consequences of a high value. That which has been carried on since the mutual interdict, under all the expense & inconvenience unavoidably incident to it ~~the landing & reshipment of cargoes at what are termed the neutral ports~~, would have been insupportably onerous, had it not been in a great degree lightened by concerted evasions in ~~the~~ mode of making the transhipments at what are called the neutral ports ~~doing the business~~. These indirections are inconsistent with the dignity of nations who have so many motives, not only to cherish feelings of mutual friendship, but to maintain such relations as will stimulate their respective citizens & subjects to efforts of direct, open & honorable competition only; and preserve them from the influence of seductive & vitiating circumstances.

alteration

When your preliminary interposition, was asked at the close of the last session, a copy of the instructions upon which Mr McLane has acted, together with the communications which had at that time passed between him & the British Government were laid before you. Although there has not been any thing in the acts of the two Governments upon the subject which requires secrecy, it was thought most proper, in the then state of the negotiation to make that communication a confidential one. So soon however as the evidence of execution on the part of G. Britain is received, the whole matter shall be laid before ~~[illegible]~~ you. It will then be seen that the apprehension which appears to have found its way into the act passed at your last session, that the restoration of the trade in question might be connected with other subjects, & was sought to be obtained at the sacrifice of the public interest in other particulars was wholly unfounded: and

3 This desirable result was, it will be seen, greatly promoted by the liberal and confiding provisions of the act of Congress of the last session, - by which our Ports were upon the reception and annunciation by the President of the required assurance on the part of Great Britain forthwith opened to her vessels before the arrangement could be carried into effect on her part; - pursuing in this act of prospective legislation a similar course with that adopted by Great Britain in abolishing by her act of Parliament in 1825, a restriction before that time existing and permitting our vessels to clear from the colonies on their return voyages for any Foreign Country whatever, before British vessels had been relieved from the restriction imposed by our law, ~~which [illegible] in due time be done~~, of returning directly from the U. States to the Colonies — a restriction which she required &

expected that we should also abolish.

Upon each occasion a limited and temporary advantage was given to the opposite party, but an advantage of no importance in comparison with the restoration of mutual confidence and good feelings, & the ultimate establishment of the Trade in question upon fair principles.

that the change which has taken place in the views of the British Government has been induced by considerations as honorable to both parties as I trust the result will prove beneficial.

It gives me unfeigned pleasure to assure you that this negotiation has been throughout characterized by the most frank & friendly spirit on the part of Great Britain; and concluded in a manner strongly indicative of a sincere desire to cultivate the best relations with the U. States. To reciprocate this disposition to the fullest extent of my ability is a duty which I shall deem it a privilege to discharge.

Although the result is itself the best commentary on the services rendered to his country by our minister at the Court of St. James, it would be doing violence to my feelings, were I to quit the subject without expressing the very high sense I entertain of the labors which have been displayed by him on the Negotiation ~~today~~ which ~~he has produced~~ occasion.

The injury to the commerce of the U. States resulting from the exclusion of our vessels from the Black Sea, and the previous footing of mere sufferance, upon which even the limited trade enjoyed by us with Turkey has hitherto stood, have for a long time been a source of

12 much solicitude to this Government & several endeavours have (~~consequently~~) been made to obtain a better state of things. Sensible of the importance of the object, I felt it my duty to leave no proper means unemployed to acquire for our flag the same privileges that are enjoyed by the principal powers of Europe. Commissioners were consequently appointed to open a negotiation with the Sublime Porte. Not long after the member of the commission who went directly from the U. States had sailed, the account of the Treaty of Adrianople, by which one of the objects in view was supposed to be secured, reached this country. The Black Sea was understood to be opened to us. Under the supposition that this was the case, the additional facilities to be derived from the establishment of commercial regulations with the Porte were deemed of sufficient importance to require a prosecution of the negotiation as originally ~~concluded~~ contemplated. It was therefore persevered in and resulted in a Treaty which will be, forthwith, laid before the Senate.

13 By its provisions, a free passage is secured, without limitation of time, to the vessels of the U. States to & from the Black Sea, including the navigation thereof; and our trade with Turkey is placed on the footing of the most favoured nation. The latter is an arrangement wholly independent of the Treaty of Adrianople and the former derives much value, not only from the increased security which under any circumstances, it would give to the right in question; but from the fact ascertained in the course of the negotiation, that, by the construction put upon that Treaty by Turkey, the article relating to the passage of the ~~[illegible]~~ Bosphorus is confined to nations having Treaties with the Porte. The most friendly feelings appear to be entertained by the Sultan, and an enlightened disposition is evinced by him to foster the intercourse between the two countries by the most liberal arrangements. This disposition it will be our duty & interest to cherish.

(leave a blank of a quarter of a page for Russia).

14

you are apprised, although the fact
has not yet been officially announced
to the House of Representatives,
that a Treaty was in the month of
March last, concluded between the
U. S. & Denmark; by which
$650.000 are secured to our Citizens
as an indemnity for spoliations upon
their commerce in the years, This

get dates

Treaty was ratified by the Senate
at the close of its last session; and
it now becomes your duty to pass the
necessary laws for the organization
of the board of Commissioners
to distribute the indemnity amongst
the claimants. It is an agreeable
circumstance in this adjustment,
that its terms are in conformity with
the previously ascertained approbation
of the claimants themselves; thus
removing all pretence for a future
agitation of the subject in any form.

(leave a blank of half a sheet
for the negotiation now going on
with Denmark)

K

no 15

The negotiations in regard to such points in our foreign relations as remain to be adjusted, have been actively prosecuted during the recess. Material advances have been made which are of a character to promise honorable results. Our country is, by the blessing of God, not in a situation to invite aggression; & it will be our fault if she ever becomes so. — Sincerely desirous to cultivate the most liberal & friendly relations with all, — ever ready to fulfil our engagements with scrupulous fidelity — limiting our demands upon others to mere justice, ~~and~~ holding ourselves ready to do unto them as we would wish to be done by — and avoiding even the appearance of undue partiality to any nation, — it appears to me impossible that a simple and sincere application of our principles to our foreign

relations can fail to place them ulti-
mately upon the footing on which
it is our wish that they should rest.

Of the points referred to the
most prominent are, — our claims
upon France for Spoliations upon
our commerce — similar claims
upon Spain, together with embarrass-
ments in the commercial intercourse
between the two countries which
ought to be removed — the con-
clusion of the treaty of commerce
and navigation with Mexico,
which has been so long in suspense;
as well as the final settlement
of limits between ourselves and
that Republic, and finally, the
arbitrament between the U. S.
and Great Britain in regard to
the North Eastern Boundary.

The negotiation with
France has been conducted by
our minister with zeal and
ability; and in all respects to my
entire satisfaction. Although
the prospect of a favourable
termination was occasionally
dimmed by counter-pretensions
to which the U. S. could not assent,
he yet had strong confidence of

being able to arrive at a satisfactory settlement with the late Government. The negotiation has been renewed with the present authorities; and sensible of the universal & lively confidence of our citizens in the justice and magnanimity of regenerated France, I regret the more not to have it yet in my power to announce the result so confidently anticipated. No ground inconsistent with this expectation has however been taken; and I do not allow myself to doubt that justice will soon to be done us. The magnitude of the claims, – the length of time they have remained unsatisfied, & their incontrovertible justice make an earnest prosecution of them by this Government an urgent duty. The illegality of the great mass of seizures & ~~condemnations~~ confiscations out of which they have arisen has never been disputed; and whatever distinctions may have heretofore been set up in regard to the liability of the existing Government, it is quite clear that such considerations cannot now be interposed. It would

therefore

20

The subjects of difference with Spain have been brought to the view of that Government by our minister there with much force & propriety; and the strongest assurances have been received of their early & favourable consideration.

The steps which remained to be taken to place the matter in controversy between G. Britain & the U. States fairly before the arbitrator have all been taken in the same liberal & friendly spirit which characterized those before announced. Recent events have doubtless served to delay the decision, but our minister at the court of the distinguished arbitrator has been assured that it will be made within the time limited by the Treaty.

I am particularly gratified in being able to state that a decidedly favourable, &, as I hope, lasting change has been effected in our relations with the neighbouring Republic of Mexico. The unfortunate & unfounded ~~dis-~~ ~~position~~ suspicion in regard to our disposition, which it became my painful ~~[illegible]~~ duty on a former occasion to advert to, have been I believe entirely removed; and

22

command in the adjoining Mexican State; by which it is hoped the quiet of that frontier will be preserved, until a final settlement of the division line removes all ground ~~for~~ of future controversy in future.

The exchange of ratifications of the Treaty concluded last year with Austria has not yet taken place. The delay has been occasioned by the non arrival of the ratification of that Government within the time prescribed by the Treaty. Such authority has been asked for by the ~~agent of~~ Representative of Austria; & in the mean time the trade & navigation of the two countries has been placed upon the most liberal footing of our navigation acts.

Several alleged depredations have been recently committed on our commerce by the ~~[illegible]~~ national vessels ~~of~~ ~~under the authority~~ of ~~[illegible]~~ of Portugal. They have been made the subject of immediate remonstrance & reclamation. I am not yet possessed of sufficient information to express a definitive opinion of their character; but expect soon to

alterate

receive it, no proper means shall be omitted to obtain for our Citizens all the redress to which they may appear to be entitled.

2nd Annual Message

Jackson's hand –

Apparently represents the single ¶ in this message: considerably altered (+ not particularly for the better) in the final text

~~R, II. 526.~~

Respecting the army, and the general system
of preparation and defence, under the superin-
-tendence of the ~~war~~ Department, I beg leave to
refer you to the report of the Secretary of war
which accompanies this communication.
Some of the fortifications intended for the defence
and security of our maritime frontier
being completed, and others in a state of rapid
progress, it becomes a matter worthy of considera-
-tion, if their necessary armaments should
not be in readiness at an earlier period than
can be effected under the present authorised
appropriations. Happily for us, we are now
at peace, and an earnest hope is entertained
that the blessings it affords may be long conti-
-nued to us; but at what time the amicable
relations of a country may be interrupted
is beyond the ~~[illegible]~~ reach of human foresight
to determine; to be prepared for such an
emergency, to the extent our means
~~[illegible]~~ will enable us is an imperious ~~[illegible]~~ duty, and
should be of inclination with all who value
the inestimable privileges we enjoy.

Department of War
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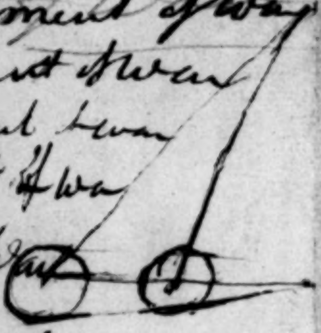

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Special Message to the Senate, Feb. 22, 1831

Eaton's draft. 1st ¶ rewritten; 2nd ¶ retained.

Van Buren's draft of 1st ¶, used — verso not used.

~~R. II. 536-7~~

~~legislation in March 1802; but with reservations as before had been the case, as to the rights of the States. This course & this construction has been continued to the present time, up~~

By the 19th Section of the act referred to, it is provided that nothing in it, "shall be construed to prevent any trade or intercourse with Indians living on lands surrounded by settlements of citizens of the U States, & being within the ordinary jurisdiction of any the individual States". This provision I have construed as being prospective in its operation, and consider it to have been so intended at the time. That it was designed to be made applicable not only to Indian tribes which at the date of its passage were subject to the jurisdiction of any State; but to such also, as should thereafter become so. To this construction I have endeavored to conform, & have done no act inconsistent with it. As soon therefore as the sovereign power of the State of Georgia was exercised by an extension of her laws throughout her limits over Indian territory, & I had recd information of the same, orders were given to withdraw from the State the troops which had been detached to prevent intrusion upon the Cherokee lands; & accordingly they retired from the limit of the State. The reasons which influenced me, shall be frankly communicated.

~~U States, & being within~~

~~of any the individual State"~~

legislation in March 1802; but with reservations as before had being the case, as to the rights of the States. This course & this construction has been continued to the present time, unquestioned, & undisputed. And why? because until lately as it regards our Southern & South Western tribes the jurisdiction of the States remained dormant — no attempt on their part having been made to render the Indians subject to their authority & amenable to their laws — none had made their laws applicable to their ~~Indians~~ population or had extended them over Indian limits. When this took place ~~when was~~ a new aspect of things was presented, it's but such a one, as had not been previously foreseen and anticipated. The proclamation of 1783 had it in view, and the legislation in 1802 proceeded upon the same ground

(Error as to Cost)

The State & condition of things as they now ~~exists~~ are, must have been in the contemplation of Congress when ~~the law~~ first they legislated upon this subject. No other inference can be drawn, from the phraseology which is contained ~~they have employed~~ in the 19th Section of the act of 180 &c "that nothing in this act, shall be construed to prevent any trade or intercourse with Indians living on lands, surrounded by settlements of citizens of the United States, & being within the ordinary jurisdiction of any the individual States"

~~In reply to a resolution of the Senate of the 15 inst.~~ I have the honor to submit the following remarks

I am not aware of ~~no~~ any omission ~~on the part of the Dept~~ to carry into effect the provisions of the act of the 30 of March 1802, regulating trade & intercourse with Indian tribes, to the extent of the authority confided ~~or which~~ ~~it~~ was competent ~~to the Executive~~ by that act ~~according to the views which the Executive entertains of this subject~~. The provisions of that act are many. Its various details may be resolved into these,—That citizens of the U States are restrained from entering upon Indian lands, to hunt—from settling on them, or driving horses or cattle to range thereon; or even to travel thro their country without a written permission, obtained for that purpose. To each violation, penalties are annexed & the President is authorised to employ the military ~~power~~ force of the Country to carry those provisions into effect. The authority however to do this is not imperative, but discretionary. The language is, "it shall be lawful for the President to take such measures & to employ such military force as he may judge necessary to remove from lands, belonging or secured by treaty to any Indian tribe any citizen who shall make a settlement thereon"

~~The practice of restraining intrusions on Indian lands had its origin with the commencement of our Govt & became a subject for particular & special~~

This should come at the end &c

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To the Senate of the
U States

I have received ~~your~~ ~~[illegible]~~ from the Resolution ~~of the~~ Senate of the 15th Inst — requesting me to "inform the Senate whether the provisions of the act entitled an act to regulate trade & intercourse with the Indian tribes and & to preserve peace on the frontiers passed the 30th of March 1802 have been fully complied with on the part of the U. S. Government & if they have not that he inform the Senate of the reasons that have induced the Government to decline the enforcement of said act. I now reply to the same.

her territorial limi[illegible] I was informed that
by the Executive of that State the Military
Force employed to protect the indians
from the intrusions complained of
were ~~ordered to their winter quarters~~
~~beyond~~ withdrawn from that State.
My reasons for this course shall
be frankly stated to you.

To the Senate of the United States
February 22d 1831

I have received your resolution of the 15th instant requesting me "to inform the Senate whether the provisions of the act entitled an act to regulate trade and intercourse with the Indian tribes and to preserve peace on the frontiers passed the 30th of March 1802 have been fully complied with on the part of the United States Government, and if they have not, that he inform the Senate of the reasons that have induced the Government to decline the enforcement of said act"; and I now reply to the same

According to my views of the act referred to, I am not aware of any omission to carry into effect its provisions in relation to trade and intercourse with the Indian Tribes so far as their execution depended on the agency confided to the Executive

The numerous provisions of that act designed to secure to the Indians the peaceable possession of their lands may be reduced substantially to the following: that citizens of the United States are restrained under sufficient penalties from entering upon their lands for the purpose of hunting thereon, or of settling them, or of giving their horses or cattle the benefit of a range upon them, or of travelling thro' them without a written permission; and that the President of the United States is authorised to employ the military force of the country to secure the

observance of these provisions. The authority to the President, however, is not imperative. The language is "it shall be lawful for the President to take such measures, and to employ such military force as he may judge necessary to remove from lands, belonging to or secured by Treaty to any
+ Indian tribe any citizen who shall make a settlement thereon".

By the 19th section of this act it is provided that nothing in it "shall be construed to prevent any trade or intercourse with Indians living on lands surrounded by settlements of citizens of the United States and being within the ordinary jurisdiction of any of the individual states".
This provision I have interpreted as being prospective in its operation, and as applicable not only to Indian tribes which at the date of its passage were subject to the jurisdiction of any state, but to such also as should thereafter become so. To this construction of its meaning I have endeavored to conform and have taken no step inconsistent with it. As soon therefore as the sovereign power of the State of Georgia was exercised by an extension of her laws throughout her limits, and I had received information of the same, orders were given to withdraw from the State the troops which had been detailed to prevent intrusion upon the Indian lands within the same; and these orders were accordingly executed. The reasons which dictated them shall be frankly communicated.

The principle recognized in the section last quoted was not for the first time then avowed;
+ (but had been acted upon long before). It is not believed that there is a single instance in the

+ It is conformable to the uniform practice of the Government before the adoption of the constitution and amounts to a distinct recognition by congress at that early day of the doctrine that that instrument had not varied the powers of the Federal Government over Indian affairs from what they were under the articles of confederation legislation of the country in which the Indians have been regarded as possessing political rights independent of the control and authority of the States within the limits of which they resided other than such as were common to the rest of its citizens. As early as the year 1782 the journals of Congress will shew that no claim of such a character was countenanced by that body. In that year the application of a tribe of Indians residing in S. Carolina to have certain tracts of land which had been reserved for their use in that state secured to them free from intrusion and without the right of alienating them even with their own consent, was brought to the consideration of Congress by a report from the Secretary of War. The resolution which was adopted on that occasion is as follows "Resolved that it be recommended to the Legislature of S. Carolina to take such measures for the satisfaction and security of said tribes as the said Legislature in their wisdom may think fit." Here is no assertion of the right of Congress under the articles of confederation to interfere with the jurisdiction of the States over Indians within their limits; but rather a negation of it. They refused to interfere with the subject and referred it under a general recommendation back to the State to be disposed of as her wisdom might decide(a). It was not then pretended that the General Government had the power in their relations with the Indians to control or oppose the internal policy of the individual States of this Union; and if such was the case under the articles of confederation the only question on the subject since must arise out of some more enlarged

(a)

If in addition to this act and the language of the articles of confederation any thing further can be wanting to shew the early views of the Government on the subject it will be found in the proclamation~~s~~ issued by Congress in 1783. ~~They~~ It contains this language; "the United States in Congress assembled have thought proper to issue this proclamation and they do hereby prohibit and forbid all persons from making settlements on lands inhabited or claimed by Indians, without the limits or jurisdiction of any particular State" and again "Resolved that the preceding measures of Congress relative to Indian affairs, shall not be construed to affect the territorial claims of any of the States, or their legislative rights within their respective limits"!

power or authority given to the General Government by the present Constitution. Does any such exist?

Amongst the enumerated grants of the Constitution that which relates to this subject is found expressed in these words — "Congress shall have power to regulate commerce with the Indian Tribes". In the interpretation of this power we ought certainly to be guided by what has been the practice of the government and the meaning which had been generally attached to the resolves of the old Congress, if the words used to convey it do not clearly import a different one as far as it affects the question of jurisdiction in the individual States. + By this rule it seems to me to be unquestionable that the jurisdiction of the States is left untouched by this clause of the constitution, and that it was designed to give to the General Government complete control over the trade and intercourse of those Indians only who were not within the limits of any State. ~~The proclamation made by Congress in 1783 sustains this opinion. It reads thus.~~

From a view of the acts referred to and the uniform practice of the Government +½ it is manifest that until recently it has never been maintained that the right of jurisdiction by a State over Indians within its Territory was subordinate to the power of the Federal Government. That doctrine has not been enforced nor even asserted in any of the States of New England where Tribes of Indians have resided and where a feud of

+ The States ought not to be divested of any part of their antecedent jurisdiction by implication or doubtful construction.

+½ In considering this branch of the subject it should be admitted that the case them yet remain. These Tribes have been left to the undisturbed control of the States in which they were found in conformity with the view which has been taken of the opinions prevailing up to 1789 and the clear interpretation of the act of 1802. In the State of New York where several Tribes have resided it has been the policy of the Government to avoid entering into quasi treaty engagements with them, barely appointing commissioners occasionally on the part of the United States to facilitate the objects of the State in its negotiations with them.

The southern States (alone) present an exception to this policy. As early as 1784 the ~~State of No. Carolina~~ settlements within the limits of No. Carolina were advanced farther to the west than ~~the~~ the authority of the State to ~~exercise its [illegible] [illegible]. This was also the case with others~~ enforce an obedience of its laws. others were in a similar condition. The necessities therefore, and not the acknowledged principles of the Government, must have suggested the policy of treating with the Indians in that quarter as the only practicable mode of conciliating their good will. The United States at that period had just emerged from a protracted war for the achievement of their independence. at the moment of its conclusion many of these tribes as powerful as they were ferocious in their mode of warfare remained in arms, desolating our frontier settlements. ~~Under these circumstances~~. Under these ~~circumstances~~ circumstances the first treaties in 1785 and 1790 with the Cherokees were concluded by the Government of the United States, and were evidently sanctioned as measures of necessity adapted to the character of the Indians and indispensable to the peace and safety of the western frontier. But they cannot be understood as changing the political relations of the Indians to the States or the Federal Government. To effect this would have required the operation of [illegible] a different principle, and the intervention of a tribunal higher than that of the treaty making power

To infer from the assent of the Government to this deviation from the practice which had before governed its intercourse with the Indians, and the accidental forbearance of the states to assert their right of jurisdiction over them, that they had surrendered this portion of their sovereignty and that its assumption now is usurpation, is according too much to the necessity which dictated those treaties and doing violence to the principles of the Government and the rights of the States, without benefitting in the least degree the Indians.

The Indians thus situated cannot be regarded in any other light

members of a foreign government, or of that of the State, within whose chartered limits they res

X than as foreigners or citizens X. If in the former the ordinary legislation of Congress in relation to them is not warranted by the constitution which was established for the benefit of our own, not a foreign people. If in the latter then like other citizens or people resident within the limits of the States they are subject to their jurisdiction and controul. To maintain a contrary doctrine, and to require the Executive to enforce it by the employment of a military force would be to place in his hands a power to make war upon the rights of the States and the liberties of the country — a power which should be placed in the hands of no individual.

If indeed the Indians are to be regarded as a people possessing rights which they can exercise independently of the States, much error has arisen in the ~~practice of~~ intercourse of the Government with them. Why is it, that they have been called upon to assist in our wars without the privilege of exercising their own discretion? If an independent people, they should as such be consulted and advised with, but they have not been. In an order which was issued to me from the War Department in Sepr 1814, this language is employed "all the friendly Indians should be organized and prepared to cooperate with your other forces. There appears to be some dissatisfaction among the Choctaws, their friendship and services should be secured without delay. The friendly Indians must be fed and paid *and made to fight when and where their services may be required*". To an independent and foreign people this would seem to be assuming, I should suppose, rather too lofty a tone – one which the Government would not have assumed if they had considered them in that light. ×

+ Again. By the constitution, the power of declaring war, belongs exclusively to Congress – We have been often engaged in war with the Indian tribes within our limits – But when have these hostilities been preceded or accompanied by an act of Congress declaring war against the tribe, which was the object of them? and was the prosecution of such hostilities an usurpation in each case by the Executive which conducted them, of the constitutional powers of Congress? It must have been so, I apprehend, if that tribes are to be regarded as foreign and independent nations.

The steps taken to prevent intrusion upon Indian lands had their origin with the commencement of our Government and became the subject of special legislation in 1802 with the reservations which have been mentioned in favor of the jurisdiction of the States. With the exception of South Carolina who has uniformly regulated the Indians within

her limits without the aid of the General Government,
~~all the states in the south~~ they have operated within
all the States of the south without being understood
to ~~call~~ affect their rights or ~~prevent~~ the exercise of
their jurisdiction whenever they were in a situation
to assume and enforce it. Georgia tho' materially
concerned [illegible] this principle forborne to
spread her legislation further than the settlements
of her own white citizens, until she recently has found
within her jurisdiction recently a people claiming
to be capable of self government, sitting in
Legislative council, organizing courts, and
administering justice. To ~~check~~ disarm but an
anomalous invasion of her sovereignty she has
declar~~ation~~ed her determination to execute her
own laws throughout her limits – a step which
~~is consistent~~ seems to have been anticipated
by the Proclamation of 1783 and which is perfectly consistent
with the 19th section of the act of 1802. according
to the language and reasoning of that section
the tribes to the South and the South west are
not only "surrounded by settlements of the citizens
of the United States", but are now also "within the
ordinary jurisdiction of the individual states".
They became so from the moment the laws
of the State were extended over them, and the
same result follows the similar determination
of Alabama and Mississippi. These
states have [illegible] a right to claim in behalf
of their position now on this question the

same respect which is conceded to the other States of the Union.

Towards this race of people I entertain the kindest feelings; and am not sensible that the views which I have taken of their present situation are leſs favorable to their true interests than those which oppose their emigration to the west. Years since I stated to them my belief that if the States chose to extend their laws over them it would not be in the power of the Federal Government to prevent ~~them~~ it. My opinion remains the same; and I can see no alternative for them but that of their removal to the west or a quiet submiſsion to the State laws. If they prefer to remove the United States agree to defray their expenses, to supply them the means of transportation and a years support after they reach their new homes, ~~until them. Nor do I see that they either alternative deserves the stamp of injustice~~ a provision too liberal and kind to deserve the ~~same~~ stamp of injustice. Either course promises them peace and happineſs whilst an obstinate perseverance in the effort to maintain their poſseſsions independent of the State authority cannot fail to render their situation still more helpleſs and miserable. Such an effort ought therefore to be discountenanced by all who sincerely sympathise in the fortunes of this peculiar people, and especially by the political bodies of the Union as calculated to disturb the harmony of the two Governments and to endanger the safety of the many bleſsings which they enable us to enjoy.

As connected with the subject of this

inquiry I beg leave to refer to the accompanying letter from the Secy of War ~~with the~~ enclosing the orders which proceeded from that Department and a letter from the Gov. of Georgia on the subject.

Rough copy of the Presidents answer
to the resolution of the Senate of the 15th. inst.
in relation to the inexecution of the act of 1802

3rd Annual Message —

A. J. D.'s draft of portn of Foreign Affairs sectn, revised in final text. 2 drafts of page 3.

~~R II. [illegible] 7~~

3

where cultivated and improved, the abode of benevolent and happy beings.

The first duty of the General Government is the preservation of peace and the protection of our citizens against foreign aggression.

1. [How that duty has been performed by the present Executive will appear in my previous messages, communicating arrangements with Mexico, Colombia, Brazil, Denmark, Austria & Great Britain, & Turkey, in some instances ~~granting~~ securing indemnities for spoliations on the property of our citizens, in others obviating grounds of misunderstanding, and in all ~~increasing~~ Promoting the interests of our trade. (A Treaty with the Turkish Government, believed to be highly favorable to our commerce

was sanctioned by the Senate with some modifications at the last session of Congress, which, it is hoped will be ratified without objection by the Sublime Porte.

Here insert the detailed account of our foreign relations—

where cultivated and improved the abode of benevolent and happy beings

A [While the flourishing state of our agriculture and manufactures calls for gratitude to a beneficent Providence which has inspired the counsels and directed the events that have fostered them, we have no less cause to be thankful for the general prosperity which has crowned the enterprise of our commerce and navigation]. B The pacific and wise policy of our government kept us in a state of neutrality during the belligerent conflicts that have at different periods since our political existence been carried on by other nations. But this policy while it gave activity and extent to our commerce, at the same time exposed

it,

to injuries from the contending powers. Hence have arisen claims for indemnity upon almost all the powers of Europe, and the various aid which have heretofore been given by treaties and by laws to this important interest. ~~interests of~~ our ~~commerce and navigation~~, and which the wisdom of Congress doubtless will continue to ~~afford~~ improve and extend.

The claims arising from these causes upon France, Spain, Holland, Sweden, Denmark and Naples; together with the differences with Great Britain, including those respecting the trade with her West India colonies, and some

(B) It gives me pleasure to inform you that a review of our foreign relations is no leſs gratifying than that of our domestic concerns

4. addition to the Subject of 4th page
foreign relations —

On our transition from the state of colonies to that of an independent nation many points were found necessary to be settled between us and Great Britain. Among them was the demarcation of the boundaries which were to divide the territories of the several States and of the United States from the adjoining British Provinces. Some of them have been amicably and finally settled. The line however between them to the East and the North was still in dispute when I came into office: but I found it in a train of settlement. Commissioners appointed under the provisions of the Treaty of Ghent having been unable to agree in designating the Boundary line, a convention was made with G. Britain by my immediate Predecessor in office with the advice and consent of the Senate, by which it was agreed that the points in difference which had arisen in the settlement of the boundary line between the American and British dominions as described in the 5th. article of the said Treaty of Ghent should be referred to some friendly sovereign or state who should be invited to investigate and make decision upon such points of difference. And the King of the Netherlands having by the late President and the King of Great Britain been designated as such friendly sovereign it became my duty in good faith to carry the said agreement as made by my predecessor into full effect. I therefore caused all the measures which were necessary to a full exposition of our case to the sovereign arbiter and nominated a distinguished citizen of the State ~~of [illegible]~~ most interested in the question and who had been one of the commissioners for settling the controversy, to be the minister Plenipotentiary of the U S at his court.

on the day of last His Majesty the King of the Netherlands delivered to the Plenipotentiaries of the U S and Great Britain his written opinion on the case referred to him which will be the subject of a special communication

3rd Annual Message

Donelson's draft of f. af. sectn re French treaty.

~~R. II. 548-9~~

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3rd Annual Message

For. affs. sectn — Naples

A.J.D.

with correctns, final text.

~~R. II. 549-50~~

3rd Annual Message

Donelson's draft of For. af. sectn, re Mexico & Cent. Am.

final text

~~R. II. 551.~~

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experience in other cases had shewn to be dilatory and often wholly inadequate to the end. A comparatively small sum is stipulated on our part to go ~~to~~ the extinction of all claims by French citizens on ~~our~~ Government: and a ~~mutual~~ reduction of duties on our cotton and their wines has been agreed on as a consideration for the renunciation of an important claim for commercial privileges under the construction they gave to the treaty for the cession of Louisiana

Should this treaty receive the ~~sanction of the Senate~~ proper sanction a source of irritation will be stopped that has for so many years in some degree alienated from ~~indisposed towards~~ each other two nations who from interest as well as the remembrance

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of early associations ought to ~~entertain~~ cherish the most friendly ~~mutual intercourse~~ relations — an encouragement (will be) given for perseverance in the demands of justice by this new proof that if steadily pursued they will be listened to — and admonition will be offered to those powers, if any, which may be inclined to ~~[illegible]~~ evade them that they will never be abandoned: ~~and~~ Above all a just confidence will be ~~infused~~ inspired in our fellow citizens, that their Government will exert all the powers with which they have invested it in support of their just claims upon foreign nations: at the same time that the frank acknowledgement and provision for the payment of those which were addressed to our equity, although unsupported by legal proof, afford a practical be laid before you, the constitutional judges of what is proper to be done when negotiation for ~~[illegible]~~ redress of injury fails.

The conclusion of a Treaty for indemnity with France seemed to present a favorable opportunity ~~[illegible]~~ to renew our claims of a similar nature on other powers: and particularly in the case of those upon Naples, more especially as ~~because~~ in the course of former negotiations with that power, our failure to induce France to render us justice, was used as an argument against us ~~(directly implying)~~ ~~at least~~, ~~that when~~ ~~our claim~~ ~~should~~ ~~[illegible]~~ ~~[illegible]~~ ~~[illegible]~~. ~~The~~ ~~[illegible]~~ ~~[illegible]~~ The desires of the merchants who were the principal sufferers, have therefore been ~~(were promptly)~~ acceded to, and a mission has been ~~was~~ instituted for the special

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be laid before you, the constitutional judges of what is proper to be done when negotiation for ~~[illegible]~~ redress of injuries fails.

The conclusion of a Treaty for indemnity with France seemed to present a favorable opportunity ~~[illegible]~~ to renew our claims of a similar nature on other powers: and particularly in the case of those upon Naples, more especially as ~~[illegible]~~ in the course of former negotiations with that power, our failure to induce France to render us justice, was used as an argument against us ~~(distinctly implying) at least~~, ~~[illegible]~~ ~~[illegible]~~ ~~[illegible]~~. ~~[illegible]~~ ~~[illegible]~~ The desires of the merchants who were the principal sufferers have therefore been ~~(was promptly)~~ acceded to, and a mission has been ~~was~~ instituted for the special purpose of obtaining for them a reparation already too long delayed (B.)

Our demands upon the Government of the two Sicilies are of a peculiar nature: The injuries on which they are founded not denied; ~~[illegible]~~ nor are the atrocity and perfidy under which those injuries were perpetrated ~~and~~ attempted to be extenuated. ~~But~~ The sole ground on which indemnity has been refused is the alleged illegality of the tenure by which the monarch who made the seizures, held his crown. This defence always unfounded in any principle of the Law of Nations — now universally abandoned even by those powers upon whom the responsibility for acts of past rulers bore the most heavily, ~~and~~ will unquestionably be given up by His Sicilian Majesty; whose counsels will receive an ~~[illegible]~~ impulse from that high sense

B.

This measure having been resolved on, it was put in execution, without waiting for the meeting of Congress because the state of Europe created an apprehension of events that might have rendered our application ineffectual

~~[illegible]~~

Few changes have taken place in our connection with the independent States of America since my last communication to Congreſs. The ratification of a commercial Treaty with the united republics of Mexico has been for some time under deliberation in their Congreſs, but was still undecided at the date of our last despatches. The unhappy civil commotions that have prevailed there, were undoubtedly the cause of the delay; but as the Government is now said to be tranquillized, we may ~~soon~~ hope soon to receive the ratification of the Treaty, and an arrangement for the demarcation of the boundaries between us. In the mean time an important trade has been opened, with mutual benefit, from St. Louis in the State of Miſsouri, by caravans, to the interior provinces of Mexico. This commerce is protected in its progress thro the Indian countries by the troops of the United States, which have been permitted to escort the caravans, beyond our boundaries, to the settled part of the Mexican ~~province~~ territory.

From Central America I have received assurances of the most friendly kind, and a gratifying application for our good offices to remove a supposed indisposition toward ~~it~~ that Government in a neighbouring state. ~~which~~ This application was immediately and successfully complied with. They ~~gave~~ gave us also the pleasing intelligence that differences which had prevailed in their internal affairs had been peaceably adjusted. Our Treaty with this republic continues to be faithfully observed and promises a great and beneficial commerce between the two countries:- a commerce of the greatest importance if the magnificent project of a

3rd Annual Message

Edward Livingston's Draft of introduct^n & parts of for. afs. sect^n.

Largely basis of final text, with only small modificat^ns; but Buenos Ayres sect^n is greatly compressed in final

~~R II 544–50~~, passim.

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Fellow Citizens of the Senate and H of R

The representation of the People has been renewed for the twenty second time since the constitution they formed has been in force - For near half a century. the Chief magistrates they have successively named. have made their annual communications of the State of the Nation to its representatives. Generally their communications have been of ~~a~~ the most gratifying nature, testifying an advance in the all the improvement of social, and and all the securities of Political life - But frequently and justly as you ~~[illegible]~~ have been called on to be grateful for the bounties of providence, at few periods ~~On few occasions~~ have they been more abundantly or extensively bestowed rarely if ever have we had greater reason to congratulate each other on the continued and increasing prosperity of our beloved country

Agriculture ~~the~~ first and most important occupation of Man has compensated the labors of the husbandman with plentiful crops of all the varied products of our extensive country. never did plenty fill his garners with more abundant stores -

~~Our~~ manufactures have been established ~~[illegible]~~ in which the funds of the capitalist find a profitable investment and they give employment and subsistence to a numerous and increasing body of industrious & dexterous mechanics:

The Labourer is rewarded by high wages in the construction of those numerous and extensive ~~works~~ public works of. Internal improvement which are extending with unprecedented rapidity ~~[illegible]~~ the Science is steadily penetrating the recesses of Nature and ~~[illegible]~~

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her secrets while the ingenuity of free minds is subjecting the Elements to the power of Man and making each new conquest auxiliary to his comfort - By our Mails whose speed is every year encreased & whose routes are every year extended the communication of public intelligence & private ~~are~~ business ~~[illegible]~~ are rendered frequent and safe. - ~~and~~ the intercourse between distant Cities ~~[illegible]~~ is now carried on in a few days, which formerly required weeks to accomplish ~~is now carried on in a few days~~ and in the construction of rail roads and the application of steam power we have a reasonable prospect that the extreme parts of our Country ~~the Union~~ will be so much approximated & those most isolated ~~divided~~ by the ~~and the~~ obstacles of nature ~~which divide others~~ will be rendered so accessible as to remove an apprehension sometimes entertained that the great extent of the Union would endanger its permanent existence.

If from this satisfactory view of our agriculture manufactures and internal improvements we turn to the state of our Navigation and trade with foreign Nations and between the States we shall scarcely find less cause for gratulation. A beneficent providence has provided for its encouragement and extension noble rivers, inland seas, an extensive coast indented by capacious and navigable bays with a country productive of every material for navigation and every commodity for gainful commerce and he has placed in it a population active, intelligent, well informed & fearless of danger. These advantages are now not ~~have not been~~ neglected. and an impulse has lately been given to commercial enterprise ~~[illegible]~~ which fills our ship yards with new constructions, encourage all the arts & branches of industry connected with them, crowds the wharves of our cities with vessels - and covers the most distant seas with our ships -

Let us be grateful for these blessings to the beneficent being who has conferred them and suffered us to indulge a reasonable of their continuance and extension

(3.)

~~But~~ but never neglect the means by which ~~to be deprived~~ ~~without~~ they may be preserved— If we may dare to judge of his future designs by the manner in which his past favors have been conferred he has made our National prosperity to depend on the preservation of our Liberties. our National force on our political union and our individual happiness on the support of our State rights and ~~supp~~ wise institutions—

If we are prosperous at home and respected abroad, it is because we are free united ~~and attached~~ industrious and obedient to the Laws.— While we continue so. we shall by the blessing of heaven go on in the ~~glori~~ happy career we have begun and which has brought us in the short period of our political existence from a population of three, to thirteen Millions ~~which~~ from a feeble and ill connected confederacy of thirteen divided Colonies to a ~~well connected~~ union of twenty four ~~[illegible]~~ independent States cemented by a common interest— ~~From the [illegible] of [illegible] [illegible] to [illegible] respect~~ From a ~~place~~ rank scarcely marked in the Scale of Nations. to a high place in their respect

This last advantage is one that has been produced by the principles which have guided our intercourse with Foreign Powers since we have assumed ~~our place among~~ an equal station among them. and ~~to preserve it [illegible]~~ ~~[illegible]~~ the annual account which the Executive power renders to the country of the manner in which that branch of his ~~functions~~ duties has been fulfilled

power and wise: will ~~greatly contribute to~~ ~~[illegible]~~ will generally

true and salutary I proceed to perform ~~that duty~~ it (B. No 3)

The Pacific and wise policy of our government kept us in a State of Neutrality during the wars that have at different periods since our political existence been carried on by other powers but this policy although it gave activity and extent to our commerce exposed it in the same proportion to injuries from the belligerent nations - Hence have arisen claims of indemnity for those injuries. England, France, Spain, Holland, Sweden, Denmark, Naples and lately Portugal had all in a greater or less degree infringed our neutral rights - Demands for reparation were made upon all - They have all in all, and continue to have in some cases, a leading influence on the Nature of our relations with the powers on whom they were made

Those upon England ~~arising~~ were so serious as to ~~produce~~ bring on a war which has happily been succeeded by arrange

Of the claims upon England it is unnecessary to speak further than to say that the disagreeable state of things to which their prosecution and denial gave rise has been succeeded by arrangements productive of mutual good feeling and amicable relations between the two countries which it is hoped will not be interrupted

One of these arrangements is that relating to the Colonial Trade which was communicated to Congress at the last session - and although the short period during which it has been in ~~operation~~ force will not enable me to ~~judge precisely of~~ form an accurate judgment of its operation there is every reason to believe that it will prove highly beneficial the trade thereby authorised has employed to the 30 Sept last upwards of 30000 tons of American ~~shipping~~ and 15000 tons of Foreign Shipping in the outward voyages - and ~~about~~ on the inward nearly an Equal amount of American and 20000 only of foreign tonnage - Advantages too have resulted to our agricultural interests ~~from~~ (~~that were not foreseen~~) from the State of the trade between Canada and our territories and States bordering on the St Lawrence and the Lakes which may prove more than equivalent to the loss sustained by the discrimination made to favor the trade of the Northern Colonies with the West indies

go on with page
5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. & 16. & 17. of the folio.
of the quarto Draft.

(A page 6. quarto)

~~On this subject~~ It affords me satisfaction to inform you that the suggestions ~~made~~ by my direction on the subject Chargé d'affaires ~~Collision which~~ the ~~interference~~ ~~of this Govern~~ ~~to the representative~~ of his B M. to this Government ~~have~~ had the desired Effect ~~and that he~~ in producing the release of certain american Citizens who were ~~confined~~ imprisoned for ~~acting~~ acting up of the Authority of the State of Maine in a place in the disputed territory under the actual jurisdiction of H B M. From this and the assurances I have received of the desire of the local authorities to avoid any cause of collision I have the best hopes that a good understanding will be kept up between the parties until the final decision of the ~~dispute~~ conflicting claims

(D p. 14 quarto)

(* p 12) The ratification of the treaty with the Porte was just [illegible] be exchanged by the Gentleman appointed our Chargé d'affaires to that court. Some difficulties ~~delays~~ occurred on his arrival but at the date of ~~our~~ his last official dispatch ~~advices~~ he supposed they had ~~appeared to have~~ ~~[illegible]~~ ~~had~~ been obviated and that there ~~there~~ was every prospect of the Exchange being ~~then~~ speedily effected

(Buenos ayres)

I should have ~~enumerated with the~~ placed Buenos Ayres in the list
of South American Powers ~~with whom~~ ~~nothing exists but friendly~~
~~not~~ in respect to which nothing of importance affecting us
was to be communicated; but for occurrences which have
lately taken place in which the name of that republic has
been used ~~for~~ to cover acts under a show of authority purposes ~~of~~ the most injurious to our Commerce
and to the property and liberty of our fellow Citizens

It is known to the world that at a period even anterior to our
War of Independence and uninterruptedly since that Event
our fellow Citizens who were engaged in ~~that~~ the adventurous business
of the whale fishery pursued those animals from the Coasts
of the Northern State where they once abounded to the
~~distant and S°~~ to their haunts in the Southern Atlantic and
pacific Oceans. — Their distant and dangerous voyages in
stormy seas ~~and the~~ surrounding unsettled Coasts required
some intermediate ports for refitting and rest from
their perilous labours. Some of these were found in
a group of Islands called ~~originally~~ successively by a great variety
of names but for the last 100 years by known as
the Falkland Islands. Seen about three hundred
years ago, first it is believed by an English after wards
by a Dutch navigator. but by both marked as objects
to avoid rather than discoveries from which any advantage
was to be derived; They remained probably unvisited, certainly
unsettled until about the Middle of the last Century
when a small Colony was placed on one of them by the French
~~[illegible]~~ in the year 1764, this was ceded or taken by
the Spaniards in the year 1766. and a year or two after
another settlement was made by England — Thereafter a
feud between these two powers for the Dominion over these
rocks gave them a celebrity they would never otherwise
have obtained — but the dispute having been settled
by the restoration which Spain made to the English of
their establishment which they had taken — both these
nations about 60 years ago — abandoned the worthless
settlements they had made and from that time until
within ~~[illegible] years~~ the last year these Islands have been
given up ~~abandoned~~

(B page 11 quarto)

This measure was resolved on for the reasons which have been stated and was executed without waiting for Meeting of Congreſs: because the State of Europe created an apprehension of events that might have rendered our application ineffectual

(Buenos Ayres 2)

to the common use of the navigation of all nations who resorted to those seas — ~~within these~~ within that period ~~they have been stocked with herds~~ of the Swine and Cattle which were put on them for common use by the ships which anchored there have been supplied exceedingly by ~~[illegible]~~ and have been used ~~[illegible]~~ as they were designed for the benefit of all.

In the course of ~~this~~ present year one of our vessels ~~has been~~ has been forcibly seized and captured by a band ~~of men~~ acting as they said ~~under~~ by the orders of a man who called himself Governor of the Islands under the authority of the Government of Buenos Ayres and who claimed the right of confiscating all vessels carrying on the fishing there — as he stated this authority ~~under~~ to have been vested in him by an act passed at the time when we had a minister residing at Buenos Ayres to whom no notice was given of any such claim or any such unfriendly intent to enforce it ~~I am justified in believing~~ there is reason to believe that the men who have established themselves on these islands have acted on their own authority for the ~~sake~~ object of ~~illegal~~ plundering defenceless vessels — And ~~I shall therefore despatch~~ have therefore given orders for the dispatch of an armed vessel to join ~~[illegible]~~ our squadron in those seas and aid in affording all lawful protection to our trade ~~[illegible]~~ as shall be necessary — ~~and~~ and shall without delay send a minister to Buenos Ayres to enquire into the ~~[illegible]~~ nature of the circumstances and also of the claim if any that is set up to these islands

In the mean time I submit the case to the consideration of Congress to the end that they may clothe the Executive with such authority & means ~~make such further appropriations~~ as they may deem necessary ~~[illegible]~~ for providing a force adequate to the complete protection of our fellow citizens engaged in that important occupation.

This rapid sketch of our foreign relations it is hoped fellow citizens may be of some use in that part of your legislation which may bear on that important subject. while at the same time it affords to ~~our fellow citizens~~ the Country at large a ~~[illegible]~~ source of high gratification in the contemplation of our political and commercial connection with the rest of the World. at peace with all, having subjects, for future of difference with few. and those susceptible of easy adjustment — extending our commerce gradually on all sides, and on none by any but the most liberal and mutually beneficial means — [taking no exclusive privileges and giving none] we may by the blessing of providence hope for all that National prosperity which can be derived from ~~a free~~ an intercourse with foreign Nations guided by the eternal principles of Justice and reciprocity good will binding as well upon States as the individuals of which they are com~~posed~~
~~The reflexion~~
~~[illegible]~~

[I derive great satisfaction ~~from the [illegible]~~ in making this Statement of our affairs ~~the~~ because the course of our national policy enables me to do it without ~~making~~ any indiscreet exposure of what in other governments is usually concealed from the people. having none but a straight forward open course to pursue guided by a single principle that will bear the strongest light we have happily no political combinations to form — no alliances to entangle, no complicated interests to consult. and in subjecting all we have done to the consideration of our citizens and to the inspection of the World we give no advantage to other Nations and lay ourselves open to no injury

It may not be improper to add that to preserve this State of things, and give confidence to the World in the integrity of our designs — all our Consular and Diplomatic agents are strictly enjoined — to examine well, every cause of com

plaint

~~[illegible]~~

pursued by our Citizens - & while they urge with proper earnestness those that are well founded to countenance none that are unreasonable or unjust - and to enjoin on our Merchants and Navigators ~~with~~ the strictest obedience to the laws of the Countries to which they resort. and a course of Conduct in their ~~trade~~ dealings that may support the Character of our Nation - and render us respected abroad]

Connected with this Subject I must recommend a revisal of ~~our laws for the government of our~~ our Consular laws. Defects and Omissions have been discovered in their Operation that ought to be remedied and ~~subject~~ supplied. For your further information on this subject I have directed a report to be made by the Secretary of State which I shall hereafter submit to your Consideration

3rd Annual Message

Donelson's draft.
Conclusion of foreign affairs sect. Another version was substituted for this in the final, but the last ¶, on consular laws, was retained intact.

~~R. II. 553 V.~~

close our view of our foreign relations ~~with this.~~

In the review ^we have taken of our foreign relations there is every reason ~~motive~~ for mutual felicitation. But few causes of difference between the United States and other powers remain to be removed. By a frank and firm course in pursuit of our rights, asking nothing more and accepting nothing less, we have a fair prospect of soon being in perfect harmony with the whole world. When all foreign Governments shall be convinced that we seek only peace and justice; that we desire to trade with them only on equal terms, and for mutual benefits, they will find many motives to secure our friendship and none to provoke our hostility. With the people of other countries who may be struggling ~~to recover~~ ^for the rights which we enjoy, it is impossible that we should not deeply sympathise But our interference in their behalf would injure ourselves without benefitting them. By preserving in their purity our own institutions and illustrating from year to year their peculiar adaptation to promote human happiness, we do more for the freedom of mankind than we could do by the array of fleets and armies. Altho' we may be called more than once to mourn over the apparent fall of a gallant people, let us not look beyond the lights of our own example and the spirit of the age, which are gradually strengthening the general principle that nations should not interfere with the Governments of one another, for ~~(the medium of)~~ the restoration and security of liberty to them all.

turn over

connected with this subject I must recommend a revisal of our consular laws. Defects and omissions have been discovered in their operation that ought to be remedied and supplied. For your further information on this subject I have directed a report to be made by the Secretary of State which I shall hereafter submit to your consideration

3d Annual Message

Donelson's hand
Indian sectn.
with correctns, final
text

~~R. II. 554~~

The internal peace and security of our confederated states is the next principal object of the General Government. Time and experience have proved that the abode of the native Indian within their limits is dangerous to ~~them~~ their peace and injurious to himself. In ~~compliance~~ accordance with my recommendation at a former seſsion of Congreſs an appropriation of half a million of dollars was made, to aid the voluntary removal of the various tribes beyond the limits of the States. At the last seſsion, I had the happineſs to announce that the Chickasaws and Choctaws had accepted the generous offer of the Government, and agreed to remove beyond the Miſsiſsippi river, by which the whole of the State of Miſsiſsippi and the western part of Alabama will be freed from Indian occupancy and opened to a civilized population. The Treaties with these tribes are in a course of execution and their removal, it is hoped, will be completed in the course of 1832.

At the request of the authorities of Georgia, the registration of Cherokee Indians for emigration has been resumed, and it is confidently expected that one half, if not two thirds of that tribe will follow the wise example of their more westerly brethren. Those who prefer remaining at their present homes, will hereafter be governed by the laws of Georgia, as all her citizens are, and cease to be the objects of peculiar care on the part of the General Government.

During the present year the ~~efforts~~ attention

Report of the Secretary of the Navy, Levi Woodbury, accompanying the 3rd Annual Message.

Final text is considerably rewritten. Published as House Document #2, 22d Congress, 1st Sess.

Navy Department
December 1831

The Secretary of the Navy respectfully submits to the President of the United States a report of the transactions of this Department during the past year.

Under its general superintendence, the employment of the Public Veſsels, for the safety and protection of our commerce – the erection of Dry Docks, the improvements of Yards – the purchase of Naval Stores for future use – and the preservation of Live Oak – have been the most prominent objects of attention – and have all been marked by a high degree of prosperity.

Many minor subjects, connected with the interests of this branch of the public service, have received due care: and the results of the whole will be presented to your consideration with all practicable brevity.

The naval force in active service has consisted of 5 frigates, 11 sloops and 7 schooners. But of these, three small schooners,

Temporarily

temporarily used in guarding Live Oak and in making surveys of the Coast can hardly be considered as belonging to the Navy proper - while the extra or duplicate vessels in commission necessary to keep up an uniform force in the different squadrons - have this year and former years added somewhat to the numbers and expense of those enumerated in the estimates as in commission.

This force has been divided between the Mediterranean - the West Indies, Brazil and the Pacific.

From the first station the Java and the Fairfield have returned, the former taking the Cape De Verd islands and Liberia in her way home. An account of her cruise by Capt. Kennedy is annexed (marked (A)) as it may prove interesting to those, specially engaged in ~~the~~ African Colonization ~~of [illegible] free Blacks~~.

The Java on a minute survey has been found very defective; and not having been built of Live Oak expensive repairs on her would be injudicious. As she bears the name of one of the trophies during the late war - it is recommended, that an appropriation be made for

purchasing

purchasing materials to rebuild her and another for similar reasons to rebuild the Cyanne. A frame has heretofore been obtained ~~in former years~~ for the Macedonian; and an ap-propriation to finish one of these vessels, whose names are so intimately associated with our naval glory, would be judiciously expended the ensuing year~~s~~ — (next page A)

To that Station, the John Adams is the only vessel which has been dispatched during the year - and in this first cruise, since being rebuilt - has proved to be one of the swiftest vessels of her class.

Our Squadron there has been usefully employed in its usual duties - ~~and has also~~ a part of it is now engaged in taking our former Consul at Algiers to his new duties as Chargè to Constantinople. Its cruising ground has recently been extended into the Atlantic along the Coast of Portugal and to her dependencies near - and should our Treaty with the Ottoman Porte be or be not ratified and the state of Europe continue no less pacific than at present - it would seem expedient from all these circumstances to increase the force of that Squadron, the ensuing year. ~~Accordingly~~, To meet these views and others hereafter mentioned - and to ensure a continuance of the requisite

skill

Last page A) The Constellation has been ordered home from that Station after the close of the cruising season as her time will expire next Spring and a large saving of expense will be made by her recruiting in this country.

skill and experience in navigating ships of the line – an estimate to put one in commission is submitted.

The Squadron employed in the West Indies has discharged its accustomed duties with fidelity and success; no piracies whatever having been perpetrated on our commerce in that quarter, the slight disturbances near Porto$^{Ca:}$ Bello, Hayti and Havanna having been promptly watched, and the health of the crews and officers in our public vessels with a few lamented exceptions, uncommonly good. The only changes in this squadron have been the substitution of the Vincennes for the Peacock and the Fairfield for the Natchez – on account of ~~the~~ greater despatch and economy ~~of~~ in preparing the relief vessels.

The Brazilian station, notwithstanding the ~~civil~~ political commotions in its neighbourhood, has presented little active employment for the Squadron and the utmost security to our navigation in that quarter has existed and bids fair to continue. The Hudson has ~~has~~ returned home; and not having been built

of Live Oak

of Live Oak is in a condition rendering the expediency of repairing her very doubtful. The Vandalia is soon expected here; and both the Lexington and Warren sent to relieve them have probably ere this reached their destination. They will, according to present friendly appearances, tho' constituting a diminished force, be fully adequate to any protection our citizens may need in that region.

In the Pacific, no occurrence of much importance has happened since the last annual report. The Falmouth has been ordered there instead of the St. Louis and the Potomac in place of the Guerriere. Directions have been given to the new Commander on that Station to keep one of his vessels constantly employed in cruising among the islands, to which our navigators and especially our whalemen resort for supplies and for trade. Unfortunately for the credit of our Bills of Exchange in that quarter the Department, early in the year felt compelled to refuse payment of some of the drafts of their former agent, and an attempt has been made to improve the forms of transacting business there and to lessen

the expenses

6

the expenses of providing for the Squadron by sending out a Purser to make purchases and to take charge of the stores and provisions for the whole. Time has not yet elapsed to test fully the succeſs of this experiment.

In consequence of a most wanton outrage upon the American Ship Friendship on the North West coast of Sumatra, the Potomac was ordered to proceed to the Pacific by the way of the Cape of Good Hope - and from the caution used in her instructions and from the energy of her commander, favourable hopes are entertained of procuring some indemnity for that barbarous injury. The great value of our commerce in India and China - and its constant exposure to similar depredations furnish a strong appeal to the government for the protection of a naval force: and should appropriations be made for the ensuing year in conformity to the estimates, it will enable the Department, not only to strengthen the Squadron in the Mediterranean and extend its benefits as before suggested, but to cause a sufficient force to cruise occasionally through the India Seas, ~~where~~

~~twice~~

Beside many valuable lives, a commercial capital of more than five millions is there ~~constantly~~ exposed to insult & ~~total~~ ruin.
Should ~~they~~ such appropriation be made, another favourable change can be adopted by keeping one vessel of war fit for any active service at the shortest notice, within our own waters, ready to be despatched to any weak or endangered point in any quarter of the world; and when not so wanted, to be employed on the home station for purposes of protection to commerce or discipline to the Navy, as the interests of the service might require.

A list of the different vessels now in commission with their several stations and commanders is subjoined. (Marked B.)

The erection of the two Dry Docks has advanced with great rapidity during the past year. Both are now mostly completed, except the removal of the coffer dams and the completion of the wells. They present to the eye specimens of stone masonry seldom rivaled in beauty and solidity—. The expenditures on each thus far have been about $; and by the 4th. of next July it is hoped, that some of public vessels, requiring repairs, may be safely docked in these useful economical and splendid conveniences for our naval establishments. — . For greater detail on this subject reference can be had to the report annexed, (marked E.)

A personal inspection not only of the Dry Docks, but of all the Navy Yards, except that ~~at~~ near Pensacola, has caused during the past season to the head of this Depmt. high gratification at the rapidly improving condition of most of them.

The building of Store Houses and Sheds for the reception of materials collected formerly for

~~for the general [illegible] increased [illegible] collecting quar- ters~~

for the gradual increase, and now collecting under the appropriation for the gradual improvement of the Navy, seems conducted with a great regard to durability and convenience. Experiments have been recently commenced to settle beyond further controversy, the best mode and places for depositing and seasoning and preserving the different kinds of timber in most general use in naval architecture.

The buildings for accommodation to the Officers of Yards reported in the surveys and plans of D.   are in progress where most needed; and require annually such appropriations as can be judiciously expended, without a neglect of more urgent duties at the several Stations —.

The discontinuance of some, and the establishment of other Navy Yards have been subjects of former communications from this Department. But no sufficient reasons can be discovered by me to warrant the former measure at this time; and the latter must depend greatly on the further increase of our naval

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naval power. — Among other contemplated improvements in those plans at our present Yards new Rope walks at some of them. All observation and experience in the service show, that in nothing does it suffer more at this time than from bad cordage. The impositions in the quality of the raw material — in the manufacture and in the tar are numerous, are difficult of detection, productive of injurious delays when detected — and when not detected exceedingly dangerous to the safety of both crews and vessels. Indeed, the reasons are more powerful in favour of making our own cordage than of building our own vessels, or manufacturing our own blocks and anchors — . An estimate is presented for building two Rope walks at appropriate sites —

The vessels in ordinary have been at most of the Yards, ~~are~~ covered so as effectually to shelter them from sunshine & storms; and to render their security from decay much greater than heretofore — . It is a ~~most~~ gratifying circumstance that most of these vessels, as well as all those upon

upon the stocks, are in a condition highly creditable to those who planned and executed the present mode of preserving them; and that, by proper care in future, no probability whatever exists of much further decay in ~~any of the~~ the important portions of their expensive works; and of any decay in those portions composed of the invaluable and almost imperishable material of Live oak.

The three new Schooners, authorised to be built under the act of Congress of

were commenced one at this place, one at New York and one at Charlestown. They are all nearly finished, and one of them on a plan entirely novel. If successful it may prove a source of much economy & utility in the service in the construction of the smallest class of vessels—.

The purchases and deposites of timber and stone under the act for the gradual increase of the navy—and which now remain in deposite at the Yards—are

and

and cost about

The amount of purchases and deposites under the act for the Gradual Improvement of the Navy, and which remains in the same way, is

The paper annexed (marked D.) will present any further detail desirable on this point.

A) —— As a part of the system for the Gradual Improvement of the Navy, the attention of this Department has long been turned to the rearing of Live oak and to it's preservation when found growing on the public lands. The plantation of these trees, commenced a few years since, was not deemed worthy of further attention by my immediate predecessor, and no expence about it has been authorised by me except what was deemed necessary to preserve the benefits of what had heretofore been expended.

A more extended plan of agents and vessels for the discovery and preservation of such Live oak

The act of Congreſs of   A.D. 1804, makes the commander of the yard at Washington, the Navy Agent for this Department. In the changes since made respecting Navy Agents, no separate one has been appointed at this Yard; but the duties have been performed by the Commander, without giving any security by bond, and without the usual check on him of an approval of his purchases by any other officer. [illegible] The duties of Navy agent to the Department have never been specially devolved on him in practice, till the past summer.

This last change, has been made in compliance with both the letter and spirit of the act of Congreſs and has contributed largely to public convenience and to the saving of time and labor in both this & the Treasury Department.

It is recommended for the obvious reasons before suggested, that the duties of Navy agents be hereafter separated from those of the Commander of the Yard and that the usual responsibility & compensation be annexed to the Office –

A 15 pages

16

as is now growing on the public lands was devised by him — dividing the seaboard from the St. Mary's to the Sabine into eight Districts with an Agent in each and stationing three small vessels at proper distances on the seaboard to aid in the same object and in the survey of the bays and navigable creeks and rivers of that region. This plan had advanced so far in May last that it could not be discontinued without much loss — the measures necessary to test the experiment have been completed

its benefits, if answering original expectations, will soon be developed; and whether failing or successful, it is hoped will lay the foundation for fuller information as to the quantity and location of this kind of timber, ~~and~~ will assist the Government in ~~[illegible]~~ preventing the sale of public lands where it abounds, and enable the Department hereafter to recommend a system less expensive and fully efficacious. In the paper annexed (marked E.) is a minute detail of the proceedings on this subject.

Intimately

Intimately connected with the Improvement of the Navy ~~is~~ the purchase, and the use of iron tanks in all our vessels in commission. They are now prepared for only ships of the line & paid for out of the funds for the gradual increase & gradual improvement. The convenience in ballasting – the increased capacity for stores – the greater security to health in the quality of the water – all conspire to render a specific appropriation for this object very desirable and in the end economical.

The building of Steam Batteries is another subject of much interest. While such astonishing improvements are ~~usually~~ constantly making in the application of Steam, it would be improvident to overlook it's probable importance hereafter in maritime warfare, or fail to keep pace with other naval powers in any new means of attack or defence. ~~The experiment made here~~ Soon after the successful introduction here of Steam ~~power~~ to move vessels, the experiment made in the building of a Steam frigate, was perhaps equal to the state of skill in the use of the power at that period. As that vessel however has been destroyed

by

by accident, and as the frames and machinery since obtained for other Steam vessels of war are not the best now extant for such purposes; it is recommended, that an appropriation be made to enable the Department to exchange & alter, or to sell those, and to purchase new & more appropriate materials, and to erect, [illegible] soon as may be, two Steam Batteries of 14 heavy guns each, on the most modern & approved models —.

The improvement of the Navy depends so much on the character of its Officers and Seamen, as well as on its vessels, Docks, Yards and building Materials, that your attention is invited to some Changes, calculated to exercise in that respect a favorable influence.

It would hardly be useful or decorous to dwell on former recommendations from this Department, in respect to many important changes, chiefly as regards rank and pay, a distinctly limited peace establishment, a Naval Academy, further discriminations in favour of sea over Yard service, additional appropriations for Hospitals, the abolition of such a large and vexatious system of discretionary allowances, a division of the duties of the Naval Board, and a change in the powers of Pursers and the purchases for the Medical Department, most of which recommendations have my decided concurrence. In addition to those it is manifest that much good can be effected by even smaller alterations and by a vigorous exercise of the salutary powers already confided to the President and the Officers of this Department.

Thus it is well ascertained, that greater benefits of ~~[illegible]~~ instruction to the youthful Midshipman in the manner now imparted, can be obtained by a more liberal compensation to School Masters and greater attention to the purchase [illegible] of ~~nautical~~ books & ~~instruments~~. The important class of Sailing Masters, as they are not in the line of promotion, will soon become extinct

without

without a monied compensation in a greater degree equal to what can be commanded by them in the Merchant service.

The still humbler class of Carpenters and Sailmakers are paid much less than those not in commission and ~~[illegible]~~ the wages of Gunner and Boatswain are insufficient.

Many useful changes in the Naval Code as to the punishment of offences, have before been urged, and the power to order ~~is~~ Courts in Yards & vessels not at sea, in the same way as when at sea, would be a great improvement.

It gives me much pleasure to observe, that the occurrence of Courts Martial is becoming less frequent, and that your resolution to ~~carry~~, protect the oppressed, whether seamen or Officers, and at the same time to carry sentences into full & final effect against those clearly convicted, ~~and~~ together with the salutary alterations in ~~[illegible]~~ punishments recommended during the past year, are calculated to produc~~ing~~ in time a highly beneficial influence.

(5) Notwithstanding the great demand for seamen in merchant men the past year, the Naval Service has been popular, no difficulty has been experienced in obtaining Crews seasonably, and whenever their times have expired abroad they have either re-enlisted, or been sent home at the public expense. An effectual remedy to the latter inconvenience would be, for Congress to authorise men to be enlisted not only for three years, but if sailing to a foreign station within the first year, then to extend the term three years from the time of sailing.

Two

Two orders are annexed, which have been issued during the past year with a view gradually to improve ~~[illegible]~~ and elevate this class of men (Y & H.) and these with other alterations as to their dress - their comforts in both sickness and health, and their speedy return home when discharged abroad, all deserve & appear to excite an increased attachment on their part to that service in which they have helped to cover their country with such durable glory.

The discontinuance of the Marine Corps, or its transfer entirely to the Army has been the subjects of former recommendations from this Department, without producing any salutary change. If neither of these measures be deemed worthy of adoption, it seems highly expedient to place the Corps entirely under the Navy discipline & laws. In its present condition, constant difficulties in relation to pay, allowances, trials and orders are happening, part of which ~~might~~ difficulty, required a special resolution of Congress in 1830, that expired last July, & might hereafter be obviated entirely by the change suggested and much greater harmony & energy infused into that branch of the service, without derogating from its respectability and usefulness.

In its Hospital and Staff Departments alone, a change of that kind would save to the public more than $10,000 annually ~~[illegible]~~ and much of the call for new barracks, presented in the estimates of the present year.

The

The appropriation last year for those at Philadelphia was so worded that the Officers of the Treasury did not feel authorised to allow its expenditure.

The condition of the Navy Pension & Navy Hospital funds being under the charge of other gentlemen, in connection with the ~~late~~ Secretary of the Navy, ~~which~~ is made the subject of a distinct report by the Commissioners, with a view to great, & in my opinion very salutary changes in their future management. The state of the Privateer Pension fund the past year is disclosed in the annexed report (G) ~~same document~~

The great supply of lead in the hands of the Government, as rents, from their lead mines - and the great quantity used in the Navy, being annually for years past about pounds, induces me to recommend that from those rents, a quantity equal to our naval wants be yearly set apart, & placed at the disposal of this Department.

The number of deaths, ~~resignations~~ dismissions and resignations, is annexed in the list marked (H) and the estimates for the ensuing year in the document marked (I) In the latter an attempt has been made in conformity to the spirit of our institutions & the repeated wishes of Congress to render them more specific; and to leave the enumerated contingent though ~~[illegible]~~ reduced, still in a condition to meet more nearly and promptly the usual demands upon it, so indispensible to the efficient ~~administration~~ admn of the Navy - Although

Although the expenses of the past year may not equal by thousand dollars the appropriations; yet the enumerated contingent appropriations will, as in years past prove deficient; and the remedy hereafter suggested to supply past deficiencies is thought preferable to the mode once adopted, of supplying them without legal authority from other & specific appropriations.

~~to the Office~~

In the mode of keeping accounts (~~formerly~~) with Officers responsible to this Department, so great latitude was formerly indulged in the transfer of appropriations from one object to another, that the disbursing Officers stand charged with large, and almost incredible sums under one head and are credited with almost equal sums under other heads; but which balances cannot be set off and settled without the authority of Congress. As this difficulty has generally originated more from carelessness than dishonesty and has probably caused no essential injury or loss to the public, it seems judicious to allow the privilege of an adjustment to the Officers interested. No other course will enable the accounting Officers connected with this Department ever to settle their books legally & introduce improved system and accuracy; These unsettled balances now exceed ~~four~~ seven million of dollars (see Report 2d Comptroller February Nth [illegible]). Again, by carrying the balances not expended from the contingent appropriations of each year to the surplus fund, instead of reserving them as in the case of pay, Provisions &c. to meet future claims upon them, which claims on the contingent fund, in the necessities of the service abroad, cannot always be early received & adjusted, the demands upon those appropriations in some former years, as before mentioned, have not only exceeded the appropriations for those years; but cannot now be discharged from any surplus of other years. ~~The [illegible]~~ ~~proved insufficient for [illegible] years, although [illegible]~~ ~~favor~~

The surplus from some other years nearly or quite sufficient to meet those demands, has been paid into the Treasury.

In order to settle these just demands, it will be necessary to re-appropriate the balances so paid to this object, or to make a new appropriation of about $80.000 to discharge all the ~~[illegible]~~ unpaid claims on those funds. One of these courses seems due to the meritorious officers of the Navy & to other claimants. To obviate this difficulty in future, it will only be necessary that the appropriation for contingencies should ~~hereafter~~ assume the form of those for Pay & Subsistence, the appropriation in other formal respects correspond with the estimates for the present year, and ~~[illegible]~~ due vigilance be exercised in the Department to keep the demands on these appropriations ~~[illegible]~~ strictly within the limits of the sums provided.

There will probably be an unexpended balance from all the appropriations of last year to the Navy service, of considerably more than this $80,000; but ~~[illegible]~~ on any correct principles of ~~administration~~ or of legal construction it cannot be applied to these old arrearages and to different heads from those specified, without the special authority of Congress — If the system of continuing surveys on our coast by naval Officers at great exposure & toil, meets the approbation of Congress, a specific appropriation to reward the extra services in that employment the last year as well as any in future to the amount

amount of $1000 yearly, will be necessary.

An allowance commenced some years ago for lectures &c. at Philadelphia to the Medical Officers, but since the change in their compensation & in the test of their qualification, by the act of Congress of 1828, it is submitted ~~[illegible]~~ that a specific appropriation is ~~[illegible]~~ proper to cover this expense, hereafter, if Congress approves the continuance of it. —

The general appropriation in relation to the suppression of the Slave Trade has had but small demands upon it the past year — and for information in relation to the property of the United States, on the coast of Africa, ~~[illegible]~~ acquired by former expenditures on that subject, a list is annexed marked (J). This property will doubtless acquire some new legislation concerning the sale or preservation of it. Though an agent is still maintained at Liberia, the report from the Commander of the Java before named contains all the intelligence received from the establishment during the year.

The increase in the number of Captains and the employment of a less number of Ships of the line and Frigates in the service than formerly — induces me to recommend that the Department be authorised to appoint Captains to the command of any vessels carrying over 20 guns.

With a view to the more uniform, intelligent and satisfactory administration of both the naval and civil branches of this Department, the Rules and Regulations,

Regulations, published in A.D. 1818, have been carefully revised and enlarged as to naval duties – and the different orders, circulars and decisions now in force in relation to the transaction of business between this Department and the Navy with other useful rules of a civil character in relation to the service have all been collected, in some cases amended and in all condensed. The prints of these will soon be laid before you for your approbation; and, if so reviewing it, will be afterwards submitted to Congress. Their distribution and strict enforcement hereafter will, it is hoped, contribute to system, harmony and economy – in the public disbursements – This last kind of economy – and not a diminution in the gross amount of naval expenditures is probably all, which the gradual increase of the Navy – the great improvements going forward in our Docks and Yards – the wider range and exposure of our navigation and the flourishing resources of the country adapted to make due preparations in peace for the exigencies of future wars may judiciously permit.

In this enviable state of the Confederation the

the estimates have been in some degree conformed to what is supposed to be the wishes of the People in relation to so important an establishment: and without any augmentation of officers beyond the number heretofore sanctioned ~~the last winter~~, or the recommendation of any new and doubtful object of expenditure, every thing has been and will be attempted, which bids fair to ensure, with frugality, rigour and promptitude the promotion of the great ends of maritime protection and defence.

The property on hand belonging to the Navy as before particularized has rapidly ~~increased~~ and is increasing. Some new regulations in respect to the accounts for property, which are fully equal in amount to the monied accounts of the Navy will be introduced into the revised naval Rules, and are intended to ensure more perfect security to the government. the strictest care of its interests and greater precautions against waste whether from accident or neglect.

A valuable addition to them would be a law requiring suitable bonds from all Naval Storekeepers.

List of Documents accompanying the Report of the Secretary of the Navy.

A. – Letter from Captain Kennedy.

B. – List of Veſsels now in Commiſsion. their Stations and Commanders.

C. – Expenditures on Dry Docks and under Appropriation for Gradual Improvement.

D. – Amount of Stores &c. at the different Yards.

E. – Live Oak Districts. Agents. Veſsels & abstract of instructions.

F. – Circular as to punishments.

G. – Report on Privateer Pension Fund.

H. – List of deaths. dismiſsions & resignations.

I. – Estimates for the ensuing Year.

J. – Property of United States at Liberia

(G)

G

The Privateer Pension Fund consists of Stock of the Corporation of Washington, purchased 25th. of May 1830, bearing interest of 5 per cent. per annum from 1st. of April preceding $1.961.81

Stock of the State of Maryland, purchased 10th. of August 1830, bearing interest of 5 pr. cent pr. annum from 1st. of April 1831 ..... 37,500.

and from 1st. July 1831 ..... 8.500.

The dividends on this Stock $47.961.81

constitute the only means for payment of pensions chargeable upon the Fund.

The amount of payments during this year cannot be ascertained until the Agents shall have made their returns.

The pensions to Widows and Orphans, by the limitation of the laws granting them, have expired.

86 persons have been authorised to receive pensions during the continuance of their disability, under the acts of Congress of the 13th. of February and 2nd. of August 1813. —

Of the number entitled, but 42 have applied for payment within 2 years —; and in making remittances to the agencies it is believed to be necessary to provide for the latter only, as the rest may be presumed to be dead or to have relinquished their claims. — — — Of the number now in receipt of pensions, 17 are paid in — Massachusetts,

2 . . . — Pensylvania,
6 . . . — Maryland,
10 . . . — New York,
2 . . . — New Hampshire,
1 . . . — Rhode Island,
4 . . . — Maine —.

42

2 receive . — $20. per month,
6 . . . 3
1 . . . — 15. . ,
2 . . . — 12 . ,
1 . . . — 10 . ,
1 . . . — 9 . ,
3 . . . — 8 . ,
13 . . . — 6 . ,
4 . . . — 5 . ,
6 . . . — 4 . ,
1 . . . — 3⅓ . ,
2 . . . — 2 . ,

42

To meet these payments will require semiannually the sum of $1616. The half yearly dividends on Stock amount to $1199.04: consequently, should these pensioners continue to claim, a sale of part of the Stock will be necessary—.

There was in the Treasury to the credit of the Fund on the 1st. Jany. 1831 the sum of	$285.69
Dividends on Stock to 1st. Jany. 1832 will be—	1,790.40
	$2,076.09
Remitted to Agents the sum of.... which with the balances in their hands was estimated as sufficient to pay claims during the 1st. half year of 1831, including Salary of Secy. to Octr. 1st. 1831.	$.805.37
Salary of Secy. to Jany. 1st. — 1832—	62.50
Semiannual payment to 42 pensioners, 1st. Jany. 1832, to be remitted in Dec. next—	1,616.—
	$2,483.87
will leave a balance against the Fund, on the 1st. January 1832—of	$.407.78.

Navy Department
13th. October 1831—

Ths. L. Ragsdale
Secy. P. P. Fund.

(Z   Copy   (Z)

Schedule of U. States property attached to the Agency for Liberated Africans and not of a convertible nature

No.	1	Agency House – This is a frame building two stories high surrounded with a double piazza it is 64 feet long & 40 feet wide height of stories 11 & 9 feet the materials for its construction were brought from the U. S. in 1823 It was valued by Mr. Ashmun at	$7.500	–
"	2	Store House – A small building attached to the Agency house it is two stories high the lower of mason work it was formerly valued at $500 but from its ruinous condition its value at present may be estimated at	200	–
"	3	Servants House &c erected adjacent to the Agency house it is constructed of African materials one story and a half high well finished and may be valued at	800	–
"	4	Ware House is a two story frame building erected in 1826 and valued by Mr. Ashmun at	1,800	–
"	5	Magazine – A stone building rough cast on the outside it is vaulted and covered with a shingle roof and lined inside with timber – valued at	200	–
"	6	Fortification on Crown hill for the protection of the eastern side of the town – foundation nearly laid its form is Hexagonal & intended to mount four guns – foundation together with the materials collected estimated by Mr. Ashmun at	175	–
"	7	Central Fort formerly Fort Stockton is of a triangular form with three pentagonal towers & can mount from 6 to 9 guns it has been nearly completed by the Colonization Society – Mr. Ashmun estimated the work done by the U. States at . .	950	–
	8	Fort Norris Battery erected near the summit of Cape Mesurado & intended for the protection of the harbor it is constructed of heavy mason work & mounts 4 long [illegible] [illegible] was built in 1827 – Mr. Ashmun valued it exclusive of the cannon at	[illegible]	–

Schedule continued

	Amt. brot. forward $	12.425	–
9	Buildings for the reception of liberated Africans consisting of 1st a central building part of which is two stories high - the whole is 60 feet long & consists of 8 apartments - 2d two ranges of buildings one story high each 72 feet long & 42 feet wide - these were built in 1827 and valued at . . . . . . These buildings were located on the Stockton river about 4 or 5 miles from the Cape the situation was low and overflowed every rainy season, owing to this they were rapidly decaying and were also from their remote situation subject to the depredations of the natives - to prevent their total destruction they have been removed to the Cape where one of them has been put up and the materials of the others are under shelter —	2,800	–
10	Two Houses at Thompson Town each 36 feet long and are one & a half stories high built in 1825 of African materials and valued by Mr. Ashmun at —	750	
11	One Schooner coppered to the bends & completely rigged finished in 1829 - and may be valued at - - There was another Schooner but she was wrecked in May 1829 - and so much injured as to be unworthy of repair — —	2,000	–
12	One four oared boat with sails awning &c complete .	60	–
13	Nine pieces of Ordnance - Vizt. 3 long twelves, 4 long sixes, and 2 nine pounders carronades — Mr. Ashmun reported 21 pieces but on examination the late Agent Dr. Randall ascertained that several pieces were included in that report that did not properly belong to the U. S. but were presented to the Colony by different individuals or were obtained by the Colonists from wrecks - The carriages of all these are unfit for service, but according to Mr. Ashmuns estimate they may be estimated at	860	–
	$	18.895	–

(Copy)

Inventory of articles belonging to the U. States Agency for recaptured Africans now in the public store at Cape Mesurado—

1 Quadrant
2 Speaking Trumpets
14 Minute Glasses
1 Tennant saw
1 Broad-axe
1 Shark Hook
2 Harpoons
2 Caulking Mallets
3 Pod Augers
1 Coopers Adze
6 Assorted Screw Augers
12 do Gimblets
13 Stock Locks
25 Plane Irons double & single
13 Brace Bitts
1 Large Cold Chisel
12 pr Pair round & hollow planes
1 Hand Bellows
1 Tea Kettle
1 Pair Tinners shears
2 Quires of Log Paper
1 Two handed hammer
6 Whitewash Brushes
2 Caulking Irons
1 Large Salt pan
1 Chain Cable
4 Deck Lights
1 Draw Knife
2 Narrow Axes
3 Log Reels
30 damaged Muskets } In the hands of the
7 do Pistols } Colonists.
15 Muskets in goo(d) order
2 Rifles " " "
10 Pistols " "

20 Round shot for 18 pounders
100 do " " 12 "
112 do " " 9 "
80 " " " 6 "
9 double headed shot
5 Stands canister shot for 18 pounders
35 do " " " 12 "
12 " " " " 9 "
124 Grape shot - - - - - - -

3rd Annual Message

Kendall's draft of ¶ on reductn of taxatn. Practically final form.

~~R. II 556~~

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The confidence with which the extinguishment of the public debt may be anticipated, presents an opportunity for carrying into effect more fully the policy, in relation to the import duties, which has been ~~heretofore~~ recommended in my former messages to Congress. A modification of the Tariff which shall produce a ~~with a view to the~~ reduction of our revenues to the wants of the government, and an adjustment of the duties on imports with a view to equal justice in relation to all our ~~internal~~ interests and to the counteraction of foreign policy, so far as it may be injurious to those interests, is deemed to be one of the principal objects which demands the consideration of the present Congress. Justice to ~~[illegible]~~ the interests ~~and prosperity~~ of the merchant as well as the manufacturer, require that material reductions in the import duties shall be prospective; and unless the present Congress shall dispose of the subject, the ~~necessary~~ proposed reductions cannot properly be made to take effect at the period when the necessity for the revenues arising from present rates, shall cease. It is therefore proper, and it ~~will be~~ is expected, that measures ~~the~~ be adopted at your present session ~~present Congress will take the requisite measures~~ to relieve the people from unnecessary taxation after the extinguishment of the public debt. In the exercise of that spirit of concession and conciliation which has distinguished the friends of our Union in all great emergencies, it is believed that this object may be effected without ~~material~~ injury to any national interest.

3rd Annual Message

Donelson's draft of
opening of Treasury
Sectn

~~R. 555~~

3rd Annual Message

AJD's final draft of
tariff & debtors' sectn

~~R. R. 556.~~

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Among the happiest effects of the improved relations of our republic, has been an increase of trade, producing a corresponding increase of revenue, beyond the most sanguine anticipations of the Treasury Department.

The state of the public finances will be fully shewn by the Secretary of the Treasury, in the report which he will presently lay before you. I will here, however congratulate you upon their prosperous condition. The revenue received in the present year will not fall short of Twenty seven millions, seven hundred Thousand dollars; and the expenditures for all objects other than the public debt will not exceed Fourteen millions

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seven hundred thousand. The payment on account of the principal and interest of the debt during the year will exceed sixteen millions and a half of dollars: a greater sum than has been applied to that object, out of the revenue, in any year since the enlargement of the sinking fund, except the two years following immediately thereafter. The amount which will have been applied to the public debt from the 4th of March 1829 to the first of January next, which is less than three years since the administration has been placed in my hands, will exceed forty millions of dollars.

From the large importations of the present year, it may be safely estimated that the revenue which will be received into the treasury from that source during the next year, with the aid of that received from the public lands, will considerably exceed the amount of the receipts of the present year: and it is believed that with the means which the Government will have at its disposal from various sources, which will be fully stated by the proper department, the whole of the public debt may be extinguished either by redemption or purchase within the four years of my administration). We shall then exhibit the rare example [illegible] of a great nation abounding in all the means of happiness and security altogether free from debt.

The confidence with which the extinguishment of the public debt may be anticipated presents an opportunity for carrying into effect more fully the policy in relation to import duties, which has been recommended in my former messages. A modification of the Tariff which shall produce a reduction of our revenue to the wants of the government, and an adjustment of the duties on imports with a view to equal justice in relation to all our national interests and to the counteraction of foreign policy so far as it may be injurious to those interests, is deemed to be one of the principal objects which demands the consideration of the present congress. Justice to the interests of the merchant as well as the manufacturer, requires that material reductions in the import duties ~~shall~~ be prospective: and unless the present Congress shall dispose of the subject, the proposed reductions cannot properly be made to take effect at the period when the necessity for the revenue arising from present rates shall cease. It is therefore ~~proper and important~~ desirable that arrangements be adopted at your present session to relieve the people from unnecessary taxation after the extinguishment of the public debt. In the exercise of that spirit of concession and conciliation which has distinguished the friends of our Union in all great emergencies, it is believed that this object may be effected without injury to any national interest.

In my annual message of December 1829 I had the honor to recommend the adoption of a more liberal policy than that which then prevailed towards unfortunate debtors to the Government: and I deem it my duty again to invite your attention to this subject.

Actuated by similar views Congress at their last session passed an act for the relief of certain insolvent debtors of the United States: but the provisions ~~of~~ that law have not been deemed such as were adequate to that relief to this unfortunate class of our fellow citizens, which may be safely extended to them. The points in which the law appears to be defective will be particularly communicated by the Secretary of the Treasury: and I take pleasure in recommending such

This is a Synopsis of part of the Report of Lewis Cass, Sec. of War, dated Nov. 21, 1831

Printed in House Document #2, 22nd Congress, 1st Sessn.

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with 3rd Annual Message

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Synopsis of the report of the War Department, on the subject of Indian Affairs.

The right of the States having been recognized to extend their laws over all persons living within their limits, an important change has taken place in our Indian relations. Where this right is exercised, most of the provisions of the intercourse act of 1802 become inoperative, and the Indians must depend upon the State laws for protection. This circumstance, together with the general advance of our settlements, and its deteriorating effect upon the character of the Indians has produced a crisis in the general state of their affairs. There seems no remedy for the evils, which occasion them, but a prompt removal to the Country west of the Missisippi. To this measure our efforts should be directed, by fully enlightening them upon the subject, by satisfying them of the purity of our intentions, and by offering such inducements, as will remove them comfortably, and establish them permanently, with every prospect of im-

improvement.

That they cannot remain in their present situations, and withstand the operation of those causes, which have heretofore preſsed and are yet preſsing upon them is evident, as well from a rational view of their condition, as from a retrospect of the abortive efforts, which have been so often made to improve it. The history of our intercourse with them is full of these experiments, and yet after the expenditure of so much labour, time and treasure, no important improvement has any where taken place; Among most of the tribes their condition has been graduall growing more hopeleſs, and among all of them, there has been a lamentable and uninterrupted diminution of numbers. A diminution, which has left extinct many powerful tribes, reduced others to mere fragments, and threatens to annihilate this race of men. No alternative therefore remains but to remove them kindly, and promptly, and fix them in favorable positions, west of the Miſsiſsippi, where they may be able to preserve their own happineſs in in their own way.

We have heretofore taken their children, and educated them at our own Schools. But this procedure has been attended with no advantage, either to the pupils or their friends. After leaving the Schools, they are neither whites nor Indians; not competent to establish themselves in our community, and acquire a support, nor fit to follow among their Countrymen the modes of life, which habit has there rendered neceſsary, and of which their young men are wholly ignorant. The consequence is that too many of them become desponding and abandon themselves to intoxication.

In their new Country, it will be neceſsary for the United States to provide.

1. For their protection against one another, and for the repreſsion of hostilities.
2. A solemn act for the perpetual security of the Country to them.
3. The entire exclusion from it of ardent Spirits.
4. Encouragement for the Severalty of property, and for its protection and enjoyment.
5. Occasional aſsistance in their agricultural operations.

To

To these may be added as a cardinal principle

6. The expediency of leaving them free to follow the dictates of their own inclination in their modes of life.

7. And The employment at a proper time, and under proper regulations of discreet persons to instruct them in whatever may be necessary.

Arrangements have been made with the Shawneese and Senecas of Lewiston, with the Shawneese of Wapaghkonetta, and with the Ottawas of Blanchards fork and the Maumee, all in the State of Ohio, for the cession of their reservations in that State, upon equitable terms for them and for the government. The Senecas, who ceded their reservation in February last, are already on their way to their new home, west of the Mississippi, and the Wyandots, who are now the only remaining tribe, possessing land in that State, have already despatched a deputation to the West, to examine and report the character of the Country. These tribes possess a more than ordinary portion of intelligence, and these

move-

movements, adopted by them on full discuſsion and examination, shew not only their opinion of the neceſsity of migration, but their estimate of the value of the region, which is opened to them. The Ottawas of the Maumee in Michigan have also voluntarily applied for aid to enable them to explore the Country, aſsigned for the residence of the Indians.

Under the provisions of the Cherokee treaty of May 6th. 1828, measures have been taken for the enrollment and removal of such of the Cherokees, within the chartered limits of Georgia, as may be disposed to remove beyond the Miſsiſsippi. The articles stipulated by the treaty are to be given to the emigrants, and their improvements paid for; and arrangements are making for their comfortable transportation and for their establishment, after reaching their destination. Sufficient time has not yet elapsed to ascertain, what succeſs will probably attend this plan.

Agreeably to the provisions of the

Choctaw

Choctaw treaty, a portion of that tribe, estimated at 5000 is now on their way to the Arkansa. All the necessary arrangements have been made for the removal of these Indians within the period of three years allowed them for that purpose. Their improvements have been examined and the graduated scale of allowance for land applied to them. And their Cattle will be estimated and received from time to time, as the parties are prepared for emigration.

The Chickasaws.

The Creeks.

Our Indian relations have been dist[illegible] by the assemblage of the Sacs upon rock river in June and July last, with the avowed determination of holding possession of a territory, long since ceded by them. The facts connected with this transaction appear in the report from the bureau of Indian Affairs. A considerable force of regular troops and Militia was collected at rock Island, to disperse these Indians, which was finally effected without force.

AL

At Prairie Du Chien also, an aggreſsion was committed by a party of Fox Indians upon a band of Menomonies encamped under the protection of our flag, by which 23 of the latter were killed.

Proper measures have been taken and will be pursued for the apprehension and punishment of some of the persons, engaged in this outrage. Its occurrence however has demonstrated the neceſsity of the employment of a mounted force at exposed points upon the frontiers.

In all other quarters the peace of the border has been preserved, and the Army has been occupied in the usual duty of maintaining the posts and overawing a disposition to hostilities, which might be manifested.

Synopsis of our Indian
affairs —

3rd Annual Message.

A. J. Donelson's draft of
various sectns. Almost final

[very incomplete -
correctns in various hands,
including Jackson's]

Fellow citizens of the Senate and House of Representatives.

The representation of the people has been renewed for the twenty second time since the constitution they formed has been in force. For near half a century the chief Magistrates, ~~whom~~ who have been ~~they have~~ successively ~~named~~ chosen have made their annual communications of the state of the nation to its representatives. Generally these communications have been of the most gratifying nature, testifying an advance in all the improvements of social and all the securities of political life. But frequently and justly as you have been called on to be grateful for the bounties of Providence, at few periods have they been more abundantly or extensively bestowed than the [illegible]: rarely if ever have we had greater reason to congratulate each other on the continued and increasing prosperity of our beloved country.

Agriculture the first and most important occupation of man has compensated the labours of the husbandman with plentiful crops of all the varied product of our extensive country — never did plenty fill the garners with more abundant stores.

Manufactures have been established in which the funds of the capitalist find a profitable investment, and which give employment and subsistence to a numerous and increasing body of industrious and dexterous mechanics.

The labourer is rewarded by high wages in the construction of ~~those numerous and extensive public~~ works of Internal improvement which are extending with unprecedented rapidity — Science is steadily penetrating the recesses of nature and disclosing her secrets while the ingenuity of free minds is subjecting the elements to the power of man and making each new conquest

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auxiliary to his comfort. By our mails whose speed is ~~every year~~ regularly increased and whose routes are every year extended the communication of public intelligence and private business ~~are~~ is rendered frequent and safe — the intercourse between distant cities is now carried on in a few days [illegible] {which formerly required weeks to accomplish and in the construction of rail roads and the application of steam power we have a reasonable prospect that the extreme parts of our country will be so much approximated, and those most isolated by the obstacles of nature ~~will be~~ rendered so accessible as to remove an apprehension sometimes entertained that the great extent of the Union would endanger its permanent existence.

If from the satisfactory view of our agriculture, manufactures and internal improvement we turn to the state of our navigation and trade with foreign nations and between the states, we shall scarcely find less cause for gratulation. A beneficent Providence has provided for its exercise and encouragement ~~and caution~~ ~~[illegible]~~ noble rivers, inland seas, an extensive coast indented by capacious ~~and navigable~~ bays, with a country, productive of every material for ship building ~~navigation~~ and every commodity for gainful commerce; and ~~he has placed in it~~ filled with a population, active, intelligent, well informed and fearless of danger. These advantages are ~~were~~ not neglected, and ~~a new~~ an impulse has lately been given to commercial enterprise which fills our ship yards with new constructions, encourages all the arts and branches of industry connected with them, crowds the wharves of our cities with vessels - and covers the most distant seas with our ships.

Let us be grateful for these blessings to the beneficent being who has conferred them, and who suffers us to indulge a reasonable hope of their continuance and extension, ~~as long as~~ ~~but even~~ ~~should not~~ while we neglect not the means by which they may be preserved. If we may dare to judge of his future designs by the manner in which his past favors have been ~~conferred~~ bestowed, he has made our national prosperity to depend on the preservation of our liberties — our national force on our ~~political~~ federal union — and our individual happiness on the support of our state rights and wise institutions. If we are prosperous at home and respected abroad, it is because we are free, united, industrious and obedient to the laws. While we continue so, we shall by the blessing of Heaven go on in the happy career we have begun and which has brought us in the short period of

3rd Annual Message

D's hand — part of
for. affs. sectn -GB, used
but rewritten in final text

~~A, II. 546~~

important questions of boundary remained unadjusted when the administration was placed in my hands. The view which it is my duty to submit to you of our foreign relations, and of the course I have pursued and shall continue to pursue in the execution of that branch of my functions renders it necessary to state the result of my efforts. These subjects have had in all and continue to have in some cases a leading influence on the nature of our relations with the Powers whom they concern.

Our negotiations with Great Britain have been attended led to by an arrangement which has produced a state of mutual good feeling and amicable intercourse between the two nations which it is hoped may not be interrupted. That arrangement was communicated to Congress at their last session; and altho the short period during which it has been in force will not enable me to judge precisely of its operation there is every indication that it will prove highly beneficial. The trade thereby authorised has employed to the 30th of September last upwards of 30.000 tons of American shipping and 15000 of foreign shipping in the outward voyages and in the inward nearly an equal amount of American and about 20000 of foreign tonnage.

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~~which we cannot doubt~~
~~[illegible] we have no reason to expect~~
disposition, ~~will produce the desired effect and~~

will put an end to causes of collision which without advantage to either, tend to estrange from each other two nations who have every motive to preserve not only peace but an (~~mutual~~) intercourse of the most amicable nature.

In my message at the opening of the last session of Congress, I expressed a confident hope that the justice of our claims upon France, urged as they ~~had been~~ were with perseverance and signal ability by our minister there, would finally be acknowledged. This hope has been realised. A Treaty has been signed which will immediately be laid before the Senate for its approbation and which containing stipulations that require legislative acts, must have the concurrence of both houses before it can be carried into effect. By it the French Government engage to pay a sum which if not quite equal to that which may be found due to our citizens will yet, it is believed, under all circumstances be deemed satisfactory to those interested. The offer of a gross sum instead of the satisfaction of each individual claim, was accepted, because the only alternatives were, a rigorous exaction of the whole amount stated to be due on each claim, which might in some instances be exaggerated by design, in others overrated ~~by~~ through Error: and which therefore it would have been both ~~[illegible]~~ ungracious and unjust to have insisted on — or a settlement by a mixed commission to which the French negotiators were very averse, and which

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which we complain.

I however ~~indulging~~ indulge a hope (that further reflection will lead to ~~invite views~~ other views ~~would~~ ~~produce other~~ counsels, and feel confident ~~that when the true nature of the claim~~ ~~should~~ shall ~~be made apparent~~ to His Majesty, But when his shall be convinced of the justice of the claim, his ~~justice and~~ desire to preserve friendly relations between the two countries (which it is my earnest endeavor to maintain), ~~would~~ will induce him to accede to our demand. I have therefore despatched a special messenger with instructions to our minister to bring the case once more to his consideration, to the end that if (which I can not bring myself to believe) the same decision, that ~~[illegible]~~ cannot but ~~consider as~~ be deemed an unfriendly denial of justice, should be persisted in, the matter may, before your adjournment

a new representation of the case with the further reflection will lead his ~~[illegible]~~ Majesty to a different conclusion and that among the happiest effects of the improved relations of our republic, has been an increase of trade, producing a corresponding increase of revenue, beyond the most sanguine anticipations of the Treasury Department.

The state of the public finances will be fully shown by the Secretary of the Treasury in ~~the~~ his annual report (which ~~he will shortly~~ lay before you). ~~I will here~~ ~~It gives me pleasure~~, (presently however, ~~to~~ congratulate There is cause for ~~congratulation~~ in you upon) their prosperous condition. The ~~receipts~~ revenue received in ~~for~~ the present year will not fall short of $ ~~26,000-000~~ 27,700-000, and the expenditures for all objects other than the public debt, will not exceed $ ~~13,000-000~~ 14,700-000. The payment on account of the principal and interest of the debt during the year, will exceed sixteen millions and a half of dollars; ~~which is~~ a greater sum than has been applied to that states; but the provisions of that law have not been deemed such as [to ~~authorise~~ were adequate to give that relief all the benefit ~~[illegible]~~ which may be safely extended] to this unfortunate class of our fellow citizens (as) which might be safely extended to them. The points in which the law ~~is~~ ~~supposed~~ appears to be ~~inadequate~~ defective will be particularly communicated by the Secretary of the Treasury, and I take pleasure in recommending such an extension of its provisions as will unfetter the enterprise of a valuable portion of our citizens and restore them to the means of usefulness to themselves and the community.

I have heretofore recommended amendments of the Federal constitution giving the election of President and the vice President to the people, and limiting the service of the former to a single term. So important do I consider these

changes in our fundamental law, that I cannot in accordance with my sense of duty, omit to press them upon the consideration of a new Congress. For my views more at large, as well in relation to these points as to the ~~alternation~~ disqualification of members of Congress to receive an office from a President
which I proposed as a substitute
in whose election they have had an official agency, I refer you to my former messages.

Our system of public accounts is extremely complicated and it is believed may be much improved. Much of the present machinery and a considerable portion of the expenditure of public money may be dispensed with, while greater facilities can be afforded to the liquidation of claims upon the Government and an examination into their justice and legality, quite as

A And while deliberating on this subject, I would earnestly recommend to your consideration the propriety of so modifying the laws for inforcing the payment of debts due either to the public or to individuals suing in the courts of the United States, as to restrict the imprisonment of the person to cases of fraudulent concealment of property. The personal liberty of the citizen seems too sacred to be held, as in many cases it now is, at the will of a creditor to whom he is willing to surrender all the means he has of discharging his debt

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States [as at present organized], I felt it my duty in my former messages, frankly to disclose them in order that the attention of the legislature and the people should be seasonably directed to that important subject, and that it might be considered and finally disposed of in a manner best calculated to promote the ends of the constitution and subserve the public interests.

Having in this manner conscientiously discharged a constitutional duty, I deem it proper on this occasion without (a more particular reference to those opinions [as ~~my opinions on~~ ~~they have undergone no change~~ the ~~subjects~~ have undergone no change] to leave ~~it~~ the subject for the present to the investigation of an enlightened people and their representatives:

x an unnecessary repetition of those opinions, & and suggestions, to leave the subject to the investigation &

Entertaining the views presented in my message to the last Congress in relation to the Bank of the United States, I felt it my duty to ~~bring~~ ~~present them~~ make them known ~~the subject~~ at an early period to the consideration of the Legislature and our constituents, ~~that their attention~~ in order that the attention of the Legislature might be reasonably bestowed upon the many highly important questions with which ~~it~~ the subject is connected. Under a continued sense of this duty, I invite your attention to the views referred to.

to these opinions

the subject for the present

The reports from the Secretaries of the War and Navy departments and from the Post Master General, which accompany this message, merit your attentive consideration. They ~~exhibit~~ present satisfactory ~~accounts~~ views of the operations of the departments respectively under their charge. and suggest improvements which are worthy of and to which I ~~request~~ call the serious attention of Congress.

In conclusion permit me to invoke that power which superintends all Governments, to infuse into your deliberations at this important crisis of our history, a spirit of mutual forbearance and conciliation. In that spirit was our constitution formed, and in that spirit must our union be preserved.

— 3rd An. Mess. —

final text – 3rd annual
message – Donelson's hand

~~R. II. 546~~

If we are prosperous at home and respected abroad, it is because we are free, united, industrious, and obedient to the laws. While we continue so, we shall by the blessing of Heaven go on in the happy career we have begun and which has brought us, in the short period of our political existence, from a population of three to thirteen millions, from thirteen separate colonies to twenty four united States, from weakness to strength, from a rank scarcely marked in the scale of nations to a high place in their respect.

This last advantage is one that has resulted in a great degree from the principles which have guided our intercourse with foreign powers, since we have assumed an equal station among them: and hence, the annual account which the Executive has lately been given to commercial enterprise, which fills our ship yards with new constructions, encourages all the arts and branches of industry connected with them, crowds the wharves of our cities with vessels, and covers the most distant seas with our ~~ships~~ canvass.

Let us be grateful for these blessings to the beneficent being who has conferred them, and who suffers us to indulge a reasonable hope of their continuance and extension, while we neglect not the means by which they may be preserved. If we may dare to judge of ~~His~~ future designs by the manner in which his past favors have been bestowed, he has made our national prosperity to depend on the preservation of our liberties — our national force on our federal union — and our individual happiness on the maintenance ~~support~~ of our state rights and wise institutions.

4 (1)

renders to the country of the manner in which that branch of his duties has been fulfilled proves instructive and salutary.

The pacific and wise policy of our Government kept us in a state of neutrality during the wars that have, at different periods since our political existence, been carried on by other powers: but this policy while it gave activity and extent to our commerce, exposed it in the same proportion to injuries from the belligerent nations. Hence have arisen claims of indemnity for those injuries. England, France, Spain, Holland, Sweden, Denmark, Naples, and lately Portugal, had in all in a greater or leſs degree infringed our neutral rights. Demands for operation were made upon all. They have had in all, and continue to have in some cases, a leading influence on the nature of our relations with the powers on whom they were made.

Of the claims upon England, it is unnecessary to speak, further than to say, that the State

3rd Annual Message

A. J. D.'s Draft of
Conclusion of For. affs.
Acct.

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Reynolds, Joseph Benson, 1884-
... Equal-slope surfaces and helices by [illegible]
Reynolds ... Bethlehem, Pa., Lehigh university [illegible]

[illegible]

Reprinted from Tohoku mathematical journal.

1. Vector analysis. 2. Curves on surfaces. [illegible]

Title from Lehigh Univ.

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~~to the complete protection of our fellow citizens engaged in this important occupation~~).

This rapid sketch of our foreign relations it is hoped, fellow citizens, may be of some use in ~~(the branch)~~ as much of your legislation ~~(which)~~ as may bear on that important subject, while ~~at the same time~~ it affords to the country at large a source of high gratification in the contemplation of our political and commercial connection with the rest of the world. At peace with all — having subjects of future difference with few, and those susceptible of easy adjustment — extending our commerce gradually on all sides and on none by any but the most liberal and mutually beneficial means — we may by the blessing of Providence hope for all that national prosperity which can be derived from an intercourse with foreign nations guided by ~~the~~ those eternal principles of justice and reciprocal good will, which are binding as well upon States as the individuals of ~~which~~ whom they are composed

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I have great satisfaction in making this statement of our affairs, because the course of our national policy enables me to do it without any indiscreet exposure of what in other governments is usually concealed from the people. — Having none but a straight forward open course to pursue — guided by a single principle that will bear the strongest light — we have happily no political combinations to form, no alliances to entangle us, no complicated interests to consult; and in subjecting all we have done to the considera-tion of our citizens and to the inspection of the world, we give no advantage to other nations and lay ourselves open to no injury.

~~3rd~~ Annual Message

Donelson's hand - final vers:

~~R. II, 553.~~

17. 18

I should have placed Buenos Ayres in the list of South American powers in respect to which nothing of importance affecting us was to be communicated, but for occurrences which have lately taken place at the Falkland Islands, in which the name of that republic has been used to cover with a shew of authority acts injurious to our commerce and to the property and liberty of our fellow citizens. In the course of the present year one of our vessels engaged in the pursuit of a trade which we have always enjoyed without molestation ~~for the last sixty years~~ has been captured by a band acting, as they ~~assign~~ pretend, under the authority of the Government of Buenos Ayres. I have therefore given orders for the dispatch of an

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armed vessel to join our squadron in those seas and aid in affording all lawful protection to our trade which shall be necessary; and shall without delay send a minister to inquire into the [illegible] of the circumstances. and also of the claim, if, any, that is set up by that Government to those Islands. In the mean time I submit the case to the consideration of Congress, to the end that they may clothe the executive with ~~[illegible]~~ such authority and means as they may deem necessary for providing a force adequate to the complete protection of our fellow citizens fishing and trading in those seas.

3rd Annual Message

Donelson's draft of part of opening sect.
First

~~Ro. II. 545~~

rapidity. Science is steadily penetrating the recesses of nature and disclosing her secrets, while the ingenuity of free mind is subjecting the elements to the power of man, and making each new conquest auxiliary to his comfort. By our mails, whose speed is regularly increased, and whose routes are every year extended, the communication of public intelligence and private business is rendered frequent and safe - the intercourse between distant cities which it formerly required weeks to accomplish is now ~~[illegible]~~ effected in a few days; and, in the construction of rail roads ~~and~~ the application of steam power, we have a reasonable prospect that the extreme parts of our country will be so much approximated, and those most isolated by the obstacles of nature rendered so

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accessible, as to remove an apprehension sometimes entertained, that the great extent of the union would endanger its permanent existence.

If from the satisfactory view of our agriculture, manufactures, and internal improvements, we turn to the state of our navigation and trade with foreign nations and between the states, we shall scarcely find less cause for gratulation. A beneficent Providence has provided, for their exercise and encouragement ~~noble rivers inland seas~~, an extensive coast indented by capacious bays, noble rivers, inland seas, with a country productive of every material for ship-building and every commodity for gainful commerce, and filled with a population, active, intelligent, well informed, and fearless of danger. These advantages are not neglected: and an impulse

3rd Annual Message

D.

Final Text

Part of Const. Am, & Pub.
Acts. Sectn.

~~R. II. 557.~~

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to press them upon the consideration of the new Congress. For my views more at large, as well in relation to these points as to the disqualification of members of Congress to receive an office from a President in whose election they have had an official agency, which I proposed as a substitute: I refer you to my former messages.

Our system of public accounts is extremely complicated, and, it is, believed, may be much improved. Much of the present machinery and a considerable portion of the expenditure of public money may be dispensed with; while greater facilities can be afforded to the liquidation of claims upon the Government and an examination into their justice and legality, quite as efficient as the present, secured. With a view to a general reform in the system. I recommend the subject to the attention of congreſs.

3rd An. Mess.

Kendall's draft of a whole Annual Message, 1831.

Only the Indian Removal Sectn was extensively used.

~~R. A. 534-5.~~

Amos Kendall's writing

It gives me pleasure to meet the twenty second Congress of the United States with well founded congratulations on the prosperity of our happy country. Although we have been visited during the past year with partial discontents among a portion of our population, which, in a single instance, have led to bloodshed, we have been blessed with general contentment and acquiescence in the execution of the laws. In our crops and our business, the blessings of heaven have been showered upon us in a degree perhaps unequalled [illegible] our country. Never did plenty fill the granaries and crown the tables of our planters and husbandmen with more abundant stores. Our manufacturers, mechanics and laborers have found full employment and a liberal addition to their accustomed profits. The business of our merchants has extended; all property connected with commerce has been much enhanced in value; ships are rapidly increasing; every sea is explored by our enterprising mariners; and the gains of an honest trade with almost the whole world, are accumulating upon our shores. Internal Improvement are extending with unprecedented rapidity. Science is steadily penetrating the recesses of nature and disclosing her secrets, while the ingenuity of free minds is subjecting the elements to the power of man and making each new acquisition auxiliary to his comfort. Through our mails, whose speed every year increases, intelligence spreads with the swiftness of the wind, and communications between distant cities, which formerly required months, are now accomplished in a few days. In the construction of Rail Roads and the application of Steam-power to their cars, we have a promise, that in relation to internal intercourse, distance will soon be almost annihilated and the extremes of our Union brought within a few days travel. For all these blessings and prospects, we owe a debt of thankfulness to a superintending Providence which it becomes us to acknowledge and attempt to repay.

In the fulness of our gratitude, let us not forget the channels through which Heaven pours upon us its choicest favors. They are our Liberty, our Laws and our Union. Our Liberty affords a scope to the discussions of the human mind, limited only by the boundaries of its power; and our Laws secure to each citizen the full enjoyment of his acquisitions and inventions. By the preservation of peace and a cheap protection, our Union leaves free the energies of every mind, unseduced by the trappings of war, and unconcerned for the means of subsistence and self-preservation, to pursue the path of knowledge and of wealth. Let us guard our Liberties with jealous care; for their destruction would put fetters on the mind and arrest its glorious career: Let us preserve our Federal Union as the second object of our regard; for its dissolution would give us all the miseries and desolation of war for the arts and enjoyments of peace, and make our liberties of little value. The acts of our government may ~~often~~ be unjust and sometimes oppressive. So, natural evils exist and desolate our earth; yet, would any man, having the power, throw the universe into chaos and cast away life and all its blessings, to remedy the evil. Equally irrational would be the attempt to escape the abuses of our government by destroying the system. Rather let us cure the ills we can and bear those we cannot, than cast away our substantial enjoyments to grasp at shadowy hope.

Our system of government is no longer an experiment. Its practicability and usefulness in promoting the peace, prosperity and happiness of the human family is already tested. It has advanced us from three millions of people to twelve; from thirteen separate colonies to twenty four united states; from poverty to riches; from weakness to strength; from the contempt of the world to its admiration. This it has performed; but it promises more. It promises future peace and prosperity to an immense country, peopled by countless millions of happy freemen. It promises, by the moral force of its example, to give liberty and peace in process of time to the whole family of man. It promises to set free their bodies and minds, to teach them that they are brothers whose real interests consist, not in reciprocal injuries but in mutual good offices, to put an end to war, to make the earth, every where cultivated and improved, the peaceful abode of benevolent and happy beings.

There are certain conditions and principles which are adapted to promote the prosperity of all communities and races of men. Among these are peace, external and internal, free trade between each other, the inviolability of contracts, a common and sound currency, and the means of ready communication. In these there is nothing peculiar or sectional. Their adoption and enforcement are alike beneficial to a country, a continent and the whole world. Institutions and laws confined to these objects cannot be injurious to any profession, occupation or class of men, to any country, state or province, to any system of morals or peaceful religion.

But there are interests, opinions and prejudices which cannot be made to centre in the same government, without oppression and discontent. Religious establishments must have government; but the same government is not adapted to the Protestant and Catholic, the Jew and Mahometan, the Episcopalian and Baptist. By bringing within its scope the management and control of religious establishments, the sovereign power of the state necessarily gives a preference to one and oppresses the rest. But by leaving each to govern itself in all that pertains to religion, taking care only that they do not disturb the peace and good order of society, that power performs the only office in regard to religion which properly belongs to the civil authority. The same principle applies to local interests. In some countries there slaves and in others none. The same government cannot safely manage the local concerns of both, because they require incompatible systems of legislation. One section of a country may find its interest in one species of agricultural industry, another section in another species, while a third devotes itself to manufactures. No government can undertake to ~~protect~~ foster one of these at the expense of another without producing sectional discontent which will weaken its authority if it do not endanger its existence. But in a government over all, which shall select and in its operations confine itself to those pervading principles, ~~that~~, in their practical application, are conceded to be universally beneficial, all interests, opinions and prejudices may unite. Under such a government, the whole human family, all races of men, varieties of religion and diversities of occupation, may live in peaceful rivalry and the highest earthly happiness.

If our general government was not originally formed upon these principles, its duration depends on their observance. Our population embraces many varieties of religion. It is impossible to subject them all to a common head and bend them to the same system of government; each sect is therefore left to govern itself. There are almost all conditions of men in our several states; it was impossible to subject the whole to the same internal police and regulate their civil and political rights by the same rules. Each state is, therefore, left to fix the civil and political condition of its own people without rightful interference from any other state or from the general government. There are diversities of interests and occupations in the different sections of our country, which the general government cannot regulate, restrict or prohibit. So far as it possesses that power, sound policy requires that it should be exercised with a cautious discretion. and ~~that~~ Its safety and usefulness mainly consists in the enforcement of those great principles which are alike conducive to the prosperity and happiness of all sections of our country and all classes of our people, with as little interference as possible with the affairs of the states and the concerns of the people.

The first duty of the general government is the preservation of peace and the protection of our citizens against foreign aggression. In what manner that duty has been performed by the present executive, I had the happiness to inform the Congress of the United States in former messages, communicating arrangements with Mexico, Colombia, Brazil, Denmark, Austria and Great Britain, in some instances quenting indemnities for spoliations on the property of ~~our commerce~~ our citizens, in others obviating grounds of misunderstanding, and in all, securing the interests of our trade. A treaty with the Turkish government, believed to be highly favorable to our commercial interests, was sanctioned by the Senate with some modifications at the last session of Congress, which, it is hoped, will be ratified without hesitation by the Sublime Porte.

(Here insert the detail of foreign relations)

In a review of our foreign relations there is every motive for mutual felicitation. But few causes of difference between the united States and other powers, remain to be removed. By a frank and firm course in pursuit of our rights, asking nothing more and accepting nothing less, we have a fair prospect of soon being in perfect harmony with the whole world. When all foreign governments shall be convinced, that we seek only peace and justice through frankness and truth; that we ask trade with them only on equal terms and for mutual benefit, that we do not interfere with their concerns, foreign or domestic, and only demand that they shall let us alone as we let alone all other nations, they will find many motives to secure our friendship and none to provoke our hostility.

With the people of other countries who may be struggling to recover the rights which we enjoy, it is impossible that we should not deeply sympathize. But our interference in their behalf would injure ourselves without doing them good. By preserving in their purity our own institutions, and illustrating from year to year their peculiar adaptation to promote human happiness, we do more for the freedom of mankind than we could do by the array of fleets and armies. We cannot liberate the nations by our arms; but we may by our example. Let the principle be universally established, that no nation shall interfere with the government of another, and each in succession will resume its liberties. We may be called ~~to mourn~~ more than once to mourn over the apparent fall of a gallant people; but the spirit of the age, pervading and irresistible as the fire which animates creation, will soon raise them from the ruin in beauty and glory.

The internal peace and security of our confederated states is one of the principal objects of the general government. Time and experience have proved, that the abode of the native Indian within their limits of ~~our~~ ~~states~~ is dangerous to their peace and injurious to himself. In compliance with my recommendation, at the session of Congress preceding the last, an appropriation of half a million of dollars was made to aid the voluntary removal of the various ~~Indian~~ tribes beyond the limits of the states. At the last session of Congress I had the happiness to announce, that the Chickasaws and Choctaws had accepted the generous offer of the government and agreed to remove beyond the Mississippi river, by which the whole of the state of Mississippi and the westerly part of Alabama will be freed from Indian occupancy and opened to a civilized population. The treaties with those tribes are in a course of execution, and in their removal will be completed.

At the request of the authorities of Georgia, the registration of Cherokee Indians for emigration has been renewed, and it is confidently expected that one half if not two thirds of that tribe will follow the wise example of their more westerly brethren. Those who prefer remaining at their present homes, will hereafter be governed by the laws of Georgia like all her other citizens, and cease to be the objects of peculiar care on the part of the general government.

During the present year, the efforts of the government have been particularly directed to the fruitful and growing state of Ohio where considerable tracts of the finest lands were still occupied by the aboriginal proprietors. Treaties have been made extinguishing the Indian title to three reservations in that state, leaving but one in possession of the natives. The time is not distant, it is hoped, when that state also will no longer be embarrassed with an Indian population.

It is confidently believed, that perseverance for a few years in the present policy of the general government, will extinguish the Indian title to all lands lying within the limits of any of the twenty four states composing our federal union, and remove beyond their limits every Indian who retains his savage habits. Thus will all conflicting claims to jurisdiction between the states and Indian tribes be put to rest; the states, relieved from the presence of an uncultivated and hostile race, will acquire consistency and strength by the diffusion of a homogeneous population throughout their whole extent; and all danger of collision between them and the general government on account of the aborigines, be dissipated forever.

It is pleasing to reflect, that measures so beneficial to the states will have been accomplished by measures equally advantageous to the Indians. What the native savages become by mixing with the whites and being hemmed in by their settlements, may be seen in the miserable remnants of a few eastern tribes, deprived of political and civil rights, forbidden to make contracts and subjected to guardians, dragging out a miserable existence without excitement, without hope and almost without thought. Is this sluggish, idle, wretched being to be compared with the free, independent, ever active and comparatively intelligent son of the forest? The most savage Indian in the western wilds, stands immeasurably higher in the scale of intelligent existences than these listless beings on whom the lights of civilization have been shining for ages.

But the removal of the Indians beyond the limits and jurisdiction of the states, does not place them beyond the reach of philanthropic aid and Christian instruction. On the contrary, those whose philanthropy or religion induces to live among them in their new abode, will be more free in the exercise of their benevolent functions than if they had remained within the limits of the states embarrassed by their internal regulations. Now, subject to no control but the superintending agency of the general government exercised with the sole view of preserving peace, they may proceed unmolested in the interesting experiment of gradually advancing a community of American Indians from savage barbarism to the habits and enjoyments of civilized life.

The effect of the improved relations of our Republic, external and internal, has been an increase of trade producing a corresponding increase of revenue, beyond the most sanguine anticipations of the Treasury Department

{Here insert the amount of the estimated
revenue from duties and the actual amount
so of public lands – and the whole probable amount of probable
revenue for 1832.}

For a more detailed statement of the revenue, I refer to the able and interesting report of the Secretary of the Treasury. By that document it will be perceived, that with the cooperation of Congress and in the absence of any unforeseen emergency, the public debt may be entirely extinguished on the 3d day of March 1833. I solicit your aid in the accomplishment of this interesting object. Let us hasten an era which few of us ever expected to see. It will be a jubilee, a proud triumph of freedom, ~~a consummation of glory~~ which cannot fail to make its impression on other nations and teach them the value of our institutions.

power
to sell
Bank Stock

But even this bright prospect, so gratifying and so glorious, imposes upon the present Congress, duties the most delicate and momentous. The present rate and adjustment of import duties, with other sources of revenue, will, after the extinguishment of the public debt, yield an annual income exceeding the necessary current demands of the government by certainly eight and probably twelve millions of dollars. There is reason to believe, that the increase of our population and the extension of trade will soon cause it to transcend the highest estimate. The questions for the considerations of Congress are - Shall means be devised to spend this enormous surplus? Or, shall the revenue be reduced?

It is startling to reflect on the probable consequences of giving this government ten or twelve millions of dollars each year to scatter over the territory of our Republic. The people may be induced to elect Representatives to Congress, not with a view to their capacity and integrity, but solely by the opinion entertained of their adroitness and skill in making bargains and arrangements by which the largest share of the public treasure should be spent in their several districts; the capitol, instead of being the theatre of useful legislation, may be converted into an arena in which the contents of the Treasury shall be the prize of contention; and the expenditure of ten millions a year, or forty millions in four years, may so increase the patronage and influence of the President, that he can purchase a reelection and transfer his office to a ~~successor~~ of his own selection. These considerations, were there none in constitutional right and other views of state policy, are, it seems to me, conclusive against permitting such a surplus to come into the Treasury. But were it otherwise, it will be universally conceded, I think, that there are no public works which the general government can of right or ought in policy to undertake, that would require an annual expenditure of ten or twelve millions of dollars. I therefore believe it to be the true policy of this government to diminish the receipts of the Treasury by reducing the duties on imports and other means, to take effect from the 3d day of March 1833, to the amount of at least eight millions of dollars.

The reduction of the impost duties comes in direct contact with the policy of a protecting tariff which has heretofore, for some years, been a leading object of Congreſsional legislation. My views of the constitutional power of Congreſs in that respect, and the considerations which ought to regulate its exercise, were fully disclosed in a former meſsage, and it is not neceſsary now to repeat them. I may, however, adduce other views immediately connected with the important subject which must occupy a large share of your deliberations.

A Tariff of mere protection, imposed with the sole view of promoting a particular branch of industry, without regard to revenue, would probably be pronounced inexpedient by every member of our community. If Congreſs were to lay duties producing ten millions of dollars annually, and direct that the money when paid into the Treasury, should be buried in the earth or sunk in the fathomleſs ocean, it would be a Tariff of mere protection. Would such a Tariff be expedient? Would it not be throwing away the profits of our people's labor to the amount of ten millions annually? Would they not see with a force of conviction more powerful than any argument, that this process, however it might benefit the manufacturers, must drain and impoverish the country? Would not every man feel, that a Dollar taken from his pocket and thrown into the ocean, cannot add to his comforts or enrich his country? Such a tariff would not be borne for a year. Every section of our country would rise up and demand its repeal.

If the ten millions of dollars, after being thus raised, were given to the government of Great Britian to aid in paying their national debt or make roads and canals through their territory, would the injury to the United States be the less obvious and intolerable? However a few manufactories might flourish and a few citizens get rich by the high prices thus superinduced upon the proceeds of their labor, would not the ~~obvious~~ certain effect upon the country be general injury and impoverishment? Would ~~our people~~ the American citizen be reconciled to paying the national debt of Great Britian by the consideration that the same operation enabled his neighbor to get rich at his expense by exacting a higher price for the ~~same~~ products of his manufactory?

If the ten millions thus raised, were given to the state of Tennessee to make roads and canals, would it not be obvious that the rest of the Union was taxed, drained and impoverished for the benefit of that state? Would it reconcile the country to this unnecessary tax, if it were shown that a few manufacturers in Rhode

Island were getting rich in consequence of the higher prices to which these duties raise the articles with which our people are clad? Would it prove any thing except that the people of Tennessee were enjoying the benefit of ten millions of dollars raised from the whole people of the United States as a duty on imports, and the manufacturers of Rhode Island ten millions more raised from the same people by the enhanced price of their manufactures; and that their fellow citizens in other states were quietly paying an annual tax of twenty millions for the benefit of these two states? Such a system would not be tolerated a moment after it was generally understood. Yet, this is ~~the pre-~~ substantially ~~cise~~ the effect of raising money by a general Tariff and spending it on local works of internal improvement.

Were the ten millions thus raised by a protecting Tariff given to particular citizens in due proportion to each state, the injury and wrong would scarcely be less to the tax-paying people. Pennsylvania whose citizens pay about a tenth of the duties, might see the million of dollars thus exacted given to ten of her prominent men at the rate of $100.000 ~~[illegible]~~ a-piece; but would her people consent to be taxed or would it be right to tax them a million of dollars for such a purpose? Or would such a tax be made right or tolerable by the consideration, that ten more of her citizens would be made rich by the higher prices which they would thus be enabled to exact for their manufactures? No state in the Union would bear a tax in any shape which thus obviously combined to make a few rich at the expence of the many.

No man, I think, will pronounce a Tariff expedient or in any way beneficial to the country, when the proceeds, not being wanted for any legitimate purpose, shall be buried in the earth, sunk in the ocean, given to a foreign government or people, bestowed on a single state or expended on local objects, or even if they be presented to a few citizens of each state. Our people would never consent to pay high duties and high prices for such objects.

By no practicable system can government diffuse equally its taxes and expenditures. Taxes must be raised from the whole people; but expenditures are necessarily greatest at the capitol, at the Naval Depots and Military Stations. In a moderate degree, all other portions of the country are drained and impoverished to furnish those funds which ~~in their expenditure~~ render an incidental benefit to these particular spots, in the support of the public establishments. Every device to equalize the expenditure by increasing taxes and disbursements, only increases the evil. A few more spots may be benefitted; but the general burdens and consequently the general inequality become greater. The nearest approach to equality is when the taxes and disbursements of government are least. Money is better diffused when in the pockets of the people than government can diffuse it by any system of expenditure

The American people will ever be ~~ready~~ willing to pay whatever duties or taxes may be necessary to support their government, maintain their army and navy, and accomplish such works of national importance as are authorized by the constitution. They will never complain of the inequalities of taxation or expenditure which are necessarily incident to the accomplishment of these objects. Nor will they complain of the adjustment of these duties in such manner as to protect American industry, particularly in those branches which are most essential to the independence and defence of the country. But they cannot be expected, and ought not to be required, to pay ten or twelve millions of dollars which is not ~~required~~ needed for the support of their government and cannot be applied to objects of general utility.

All reductions of the import duties should be made prospective, that our merchants may have time to dispose of articles on hand which have been subjected to existing duties without loss to themselves. If the reduction be upon articles manufactured in the United States, a prospective reduction is no less due to the manufacturer, that he may accommodate his business to the altered circumstances.

From these considerations I recommend a revision of the Tariff to take effect from the 3d of March 1833, with the object of reducing the proceeds of the import duties at least eight millions of Dollars. From articles which enter into the consumption of the laboring classes constituting a large portion of their comforts, from articles purchased abroad by an exchange of the produce of our farmers & planters, and from articles used in manufacturing, none of which are grown or manufactured in the United States, no objection is perceived to a repeal of the entire duty. The benefits would extend over every section of our country and reach every class of our people, while none would be injured, directly or indirectly. By a careful revision of the remaining duties it is believed they may be so adjusted and apportioned as to afford all reasonable protection to every branch of national industry which it is the interest of the people in that manner to protect. The manufacturers themselves should remember, that extravagant duties for their protection, even if acquiesced in by their fellow citizens, defeat the object of their imposition by the inducements they hold out for illicit trade. They should also remember, that unreasonable exactions for their protection, will, as they have done already, raise up a violent opposition among their own countrymen and as public opinion is apt to vibrate from one extreme to another before it settles down at a just medium, they have cause to apprehend, that perseverance in adhering to the abuses of the Tariff, will lead to an indiscriminate destruction of all that is good as well as all that is bad in its provisions, leaving them to encounter for a time a hostility more fatal to their interests than the friendship of the government has been beneficial. In their own interests, therefore, properly understood, will the manufacturers and their friends find an adequate motive for moderation and concession.

Higher motives may be found for mutual concession and compromise between citizens of conflicting interests and opinions, in an elevated patriotism. In the affairs of government as well as in the concerns of private life, much is due to the opinions and even to the prejudices and errors of those with whom we are associated. Errors honestly entertained and confidently cherished, as essential ~~truths~~, constitute as powerful motives of human action as acknowledged truths. From want of forbearance and concession on the one side and the other, until the lights of knowledge could be made to dissipate the mists of prejudice, nations have often been precipitated into fearful anarchy and bloody wars. It cannot be doubted, that many of our citizens honestly believe a tariff of protection to be unconstitutional, impolitic and oppressive; and it is equally certain, that others believe it constitutional, politic and highly beneficial to the general interests of the country. Perhaps it is fortunate for the nation, that the circumstances of the government make it ~~are such that it~~ ~~is~~ unnecessary for Congress to predicate its legislation upon either of these positions. In a necessary reduction of duties, room is afforded for a liberal compromise of opinions which shall at least leave to none any just ground to complain of actual oppression; and in the ~~future~~ prospects of our country, there is nothing which threatens to make the subject one of exciting interest hereafter. In the spirit with which you shall enter upon this interesting subject, and in the manner of its final adjustment, it is devoutly hoped, that the enemies of our Union, who are also the enemies of mankind, may be once more disappointed.

With a reduction of eight millions of Dollars in our annual revenue, it is probable we shall still have a surplus of several millions. In my former messages, I ~~have~~ recommended that the surplus revenue be distributed among the states in an equitable ratio, if it be deemed consistent with the constitution. I still think such a distribution the most equal and safe disposition which can be made of it. It will return this portion of the money drawn from the people to the sections of country whence it came; prevent ~~a~~ corrupting contests in Congress for local appropriations; deprive the Executive of the dangerous patronage which must be incident to the expenditure of so large a sum of money; and cause it to be applied with more economy and effect than it can be under the superintendance of the general government.

It is urged by some, that such a distribution of the surplus revenue would be unconstitutional. If perchance the general government should raise more money by taxation than its necessities may require, I cannot perceive that it would be unconstitutional to restore it ~~hand it back~~ to those who paid it; or, if that be impossible, to hand it over to their more immediate agents and representatives in the state governments. It is none the less the money of the people because it has been paid into the Treasury; and whatever scruples may be entertained as to the power of Congress to apply it to purposes of internal improvement, there can be no doubt as to the right of the state governments. In my suggestions upon this subject, I have been influenced by a desire that the general government shall be seen and felt as little as possible within the limits of the states whose internal rights and powers it is its duty to preserve and protect rather than to absorb and destroy; but if a more constitutional and politic mode of distributing the surplus revenue can be devised by the wisdom of Congress, it will give me pleasure to see it adopted ~~accomplished~~

In former messages I recommended ~~an~~ amendments of the federal constitution, giving the election of President and Vice President to the people, and limiting the service of the former to a single term. So important do I consider these changes in our fundamental law, that I cannot, in accordance with my sense of duty, omit to press them upon the consideration of a new Congress. For my views more at large, as well in relation to these points as to the alternative disqualification of members of Congress to receive an office from a President in whose election they have had an official agency, I refer you to my former messages whose arguments and suggestions it is unnecessary to repeat.

Our system of public accounts is extremely complicated and may be much improved. A single fact will ~~make~~ illustrate this truth: A citizen presenting an account at the office of the 2d, 3d or 4th Auditor, is obliged to visit eight different offices and two of them twice, however plain and uncontested may be his claim, before he can obtain payment in the regular channel. Indeed, some accounts of the Navy Department ~~having~~ to pass the inspection of the Navy Commissioners, and most of those of the War Department, having to pass through various bureaux, go to nine different offices in their progress. It is only in the Auditors' and Comptrollers' offices that there is any authoritative examination into the justice or legality of the account; the rest is little else than form. It is believed, that a simple system may be devised, more efficient and equally safe, which shall dispense with one third or one half of the existing machinery and curtail the incidental expenditure of public money at least one hundred thousand dollars per year. With a view to a general reform in the system, I solicit permission to appoint three Commissioners who shall thoroughly examine the present system of public accounts and prepare a revision ~~which~~ ~~shall~~ to be submitted to Congress at their next session.

Rotation in office has ever been a favorite maxim in our Republic. It has existed, however, more in theory than in practice. It is not doubted, that many men spend a life-time in office and preserve their honor and integrity unsullied. But the tendency of official power is to corrupt. The mind is apt to bend gradually to its influence, until the public officer, who, when originally appointed, would as soon take a dollar illegally from his brother as from his government, winks at frauds and abuses in others, if he does not practice ~~them~~ himself. Besides, the annual salary which is considered a provision for life, encourages idleness and dissipation. Men seek to do as little as they can and keep their places, and spend all they receive, because they consider their income as certain. Few office holders improve in their habits, their minds or their circumstances, while may obviously deteriorate. It is not doubted, that a practical rotation, especially in the offices in this City, would add much to the efficiency of the government, as well as to the talent, industry and character of the official corps. In these points the government would gain more than it would lose by parting with a few faithful and experienced servants. I would therefore suggest, for the consideration of Congress, whether the public good would not be promoted by establishing by law a rotation in all the subordinate offices at Washington, by laws limiting their tenure to eight years and providing that one eighth shall go out annually, beginning with those longest in office. It would be but just to distant states, if, to rotation in these offices should be added a distribution; giving to each state in the Union its due portion of the new appointments. Intelligent young men would then be brought to the capital from all the states, who would look to office as a means of acquiring property as well as money, and at the end of eight years would return, with the savings of their official earnings, to commence other business and spread information in the places of their nativity. By such a law, all the states in due proportion and a greater number of persons, would participate in the benefits of office, if any there be; industry, integrity and economy would be promoted, intelligence disseminated and that feeling of aristocratic pride, privileged superciliousness and courtly extravagance which so naturally springs up around a government, be measurably suppressed and hereafter prevented.

I deem it my duty again to call the attention of Congress to the condition of the District of Columbia. Perhaps it was wise in the framers of our constitution partially to disfranchise the people of this District, that those engaged in the administration of the government and their dependants might have no immediate agency in the perpetuation of their power. But to accomplish that object, it is not necessary that this people should be deprived of all the privileges of self-government. Independently of the difficulty of inducing the representatives of distant states to turn their attention to projects of laws which are not of the slightest interest to their constituents, they are not individually nor is Congress collectively, well qualified to legislate over the local concerns of this District. Consequently, its interests are ~~almost~~ ~~wholly~~ much neglected, and the people are almost afraid to present their grievances, lest a body in which they are not represented ~~and~~ which feels no sympathy in their local relations, should, in its attempt to make laws for them, do more harm than good. Governed by the laws of the states whence they were severed, the two shores of the Potomac within the ten miles square, have different penal codes, not the present codes of Virginia and Maryland, but those which existed in those states at the time of the ceſsion to the United States. As Congreſs will not form a new code and as the people of the District cannot make one for themselves, they see themselves virtually under two governments; and while all the world around them is advancing and improving in its legislation, they are doomed to stand still. Is it not just to this people to allow them at least a Delegate in Congreſs, if not a local legislature to make laws for the District subject to the approbation or rejection of Congreſs? I earnestly recommend the extension to them, of every political right which is compatible with the constitution.

The extension of the Judiciary system of the United States is deemed to be one of the Duties of government. One fourth of the states in the union do not participate in the benefits of a Circuit Court. To the states of Indiana, Illinois, Miſsouri, Alabama, Miſsiſsippi and Louisiana, admitted into the union since the present judicial system was organized, only a District Court has been allowed. If this be sufficient, then the Circuit Court already existing in eighteen states, ought to be abolished; if it be not sufficient, the defect ought to be remedied and those states placed on the same footing as their sister states. It was on this condition and on this footing that they entered the Union, and they may demand circuit courts as a matter, not of concession, but of right. I trust Congress will not again adjourn, leaving this anomaly in our system.

Nothing has occurred to change the views heretofore expressed by me in relation to the Bank of the United States. On the contrary, the facts disclosed relative to the operations of the existing Bank, showing that its ~~annual~~ domestic exchanges for the last year were ninety millions of dollars, which, at one half per cent, might have yielded $450.000, prove, that an institution, [illegible], without the power to discount, should perform the domestic exchange business of the United States at a very small premium, is not only practicable, but might be made the source of much profit.

In conclusion, permit me to invoke that Power which superintends all governments, to infuse into your deliberations at this important crisis of our history, a spirit of mutual forbearance and ~~conciliation~~. In that spirit was our constitution formed, and in that spirit must our Union be preserved. The time will come when it will no longer be considered the business of government to interfere with the opinions, professions or pursuits of men. What is Liberty but the power to think, speak and act as we please? And what government so well preserves Liberty as that which permits the people to think, speak and act as they please, consistently with the rights of others? The duty of government is to restrain the bad and let the good alone. To this conclusion will mankind come at last. We have made an approach to it which has excited the attention of the world; but we are far from being perfect. Our people yet look to their governments to help them along in the road to wealth and happiness; when they should look only for protection, and for the rest depend ~~only~~ on themselves. That is the perfection of regulated freedom. If we cannot at once have all things as we would, let us not cast away the means by which we have achieved so much and through which we have cause to expect so much more; but dismissing passion and her train of furies, urge on the march of reason and await her peaceful triumphs. In a few years she will bring us a plain, cheap government, content with the exercise of a pervading a protecting power, by the good neither seen nor felt, but considered by all, with a sentiment next to adoration, the preserver of all that is valuable in Liberty

Amos Kendal's
preparation of
message 1831

3rd Annual Message

Draft of a whole Message by A. J. Donelson — parts marked with pencil lines deleted in final text

[~~page beginning~~]

Follows Kendall

Barry's correctns?

Fellow citizens of the Senate and House of Representatives

It gives me pleasure to meet you, as the Twenty second Congress of the United States, with (well sincere founded) congratulations on the prosperity of our happy country. altho (we have been visited with) partial discontents have arisen amongst a portion of our population (which, in a single instance, have led to bloodshed) we have been blessed with general (contentment tranquility) and acquiescence in the execution of the laws. In our crops and business, the blessings of Heaven have been showered upon us in a degree perhaps unequalled even in our own country. Never did plenty fill the garners and crown the tables of our planters and husbandmen with more abundant stores. Our manufacturers, mechanics and labourers have found

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full employment and a liberal addition to their accustomed profits. The business of our merchants has extended: all property connected with commerce has been much enhanced in value: ships are rapidly increasing in number: every sea is explored by our enterprising mariners; and the gains of an honest trade with almost the whole world are accumulating upon our shores. Internal improvements are extending with unprecedented rapidity. Science is steadily penetrating the recesses of nature and disclosing her secrets, while the ingenuity of free minds is subjecting the elements to the power of man and making each new acquisition auxiliary to his comfort. Through our mails, whose speed every year increases, intelligence is rapidly disseminating (spreads with the swiftness of the wind), and communications between distant cities, which formerly required weeks (months), are now accomplished in a few days. In the construction of rail roads and the application of steam power (to their cars), we have a promise, that in relation to internal intercourse distance will soon be almost annihilated and the extremes of our union brought within a few days travel. For all these blessings and prospects we owe a debt of thankfulness to a superintending Providence which (it becomes us) we should to acknowledge with becoming humility (and to endeavor to repay.)

In the fulness of our gratitude, let us not forget the channels thro which Heaven pours upon us its choicest favors. They are our liberty, our laws, and our union (our liberty affords a scope to the discussions of the human mind, limited only by the boundaries of its power; and our laws secure to each citizen the full enjoyment of his acquisitions and inventions. By the preservation of peace and a cheap protection, our union leaves free the energies of every (mind, unseduced by the trappings of war, to pursue the path of knowledge and of wealth). Let us guard our liberties with jealous care: for their destruction would put fetters on the mind and arrest its glorious career): Let us preserve our Federal union as the second object of our regard: for its dissolution would give us all the miseries of war in place of the (arts and blessings enjoyments) of peace, and make our liberties of little value — (The acts of our Government may (often) sometimes be unjust and (sometimes) oppressive. So natural evils exist and desolate our earth; yet, would any man, having the power throw the universe into chaos and cast away life and all its blessings, to remedy the evil? Equally irrational would be the attempt to escape the abuses of our Government by destroying the system. Rather let us cure the ills we can and bear those we cannot. Than

[cast away our substantial enjoyments to
graſp at shadowy hope.

—— our system of Government is no longer an experiment. Its practicability and usefulneſs in promoting the peace, prosperity and happineſs of the human family, is already tested. It has advanced us from three millions of people to twelve, from thirteen separate colonies to twenty four United States; from poverty to riches: from weakneſs to strength: from the contempt of the world to its admiration. This it has performed, but it promises more. It promises future peace and prosperity to an immense country, peopled by countleſs millions of happy freemen. It promises by the moral force of its example, to give liberty and peace in proceſs of time to the whole family of man. It promises to set free their bodies and minds, to teach them that they are brothers whose real interests consist, not in reciprocal injuries. but in mutual good offices to put an end to war, to make the earth every where cultivated and improved. the peaceful abode of benevolent and happy beings.

There are certain conditions and principles which are adapted to promote the prosperity of all communities and races of men. among these are peace, external and internal, free trade between each other, the inviolability of contracts, a common and sound currency, and the means of ready communication. In these there is nothing peculiar or sectional. Their adoption and enforcement are alike beneficial to a county, a continent and the whole world. Institutions and laws confined to these objects cannot be injurious to any profession, occupation or class of men. to any county state or province, to any system of morals or of useful religion.

But there are interests, opinions and prejudices, which cannot be made to centre in the same Government without oppression and discontent. Religious establishments must have Government, but the same government is not adapted to the Protestant and Catholic, the Jew and Mahometan, the Episcopalian and Baptist. By bringing within its scope the management and control of religious establishments, the governing power of a state necessarily gives a preference to one and oppresses the rest. But by leaving each to govern itself in all that pertains to religion, taking care only that they do not disturb the peace and good order of society, that power performs the only office in regard to religion which properly belongs to the civil authority. The same principle applies to local interests. In some countries there are slaves, in others none. The same Government cannot safely manage the local concerns of both, because they require incompatible systems of legislation. One section of country may find its interest in one species of agricultural industry, another section in another species, while a third devotes itself to manufactures. No Government can undertake to foster one of these at the expense of another without producing sectional discontent, which will weaken its authority if it do not endanger its existence. But in a Government over all which shall select and in its operations confine itself to those pervading principles, that, in their practical application, are conceded to be universally beneficial, all interests, opinions and prejudices may unite. Under such a Government the whole human family, all races of men, varieties of religion and diversities and diversities of occupation may live in peaceful rivalry and the highest earthly happiness.

If our general Government was not originally formed upon these principles, its duration depends on their observance. Our population contains many varieties of religion. It is impossible to subject them all to a common head and bend them to the same system of Government: each sect is therefore ~~to~~ left to govern itself. There are almost all conditions of men in our several states: it was impossible to subject the whole to the same internal police and regulate their civil and political rights by the same rules. Each state is therefore left to fix the civil and political condition of its own people without rightful interference from any other state or from the general Government. There are diversities of interests and occupations in the different sections of our country which the general Government cannot regulate, restrict or prohibit. So far as it possesses that power sound policy requires that it should be exercised with a cautious discretion. Its safety and usefulness mainly consists in the enforcement of those great principles which are alike conducive to the prosperity and happiness of all sections of our country and all classes of our people, with as little interference as possible with the affairs of the States and the concerns of the people

The first duty of the general Government is the preservation of peace and the protection of our citizens against foreign aggression. (In what manner) How that duty has been performed by the present executive, will appear (I had the happiness to inform by my previous the Congress of the United States in former) messages, communicating arrangements with Mexico, Colombia, Brazil, Denmark, Austria & Great Britain, in some instances granting indemnities for spoliations on the property of our citizens, in others obviating grounds of misunderstanding, and in all securing the interests of our trade. A Treaty with the Turkish Government, believed to be highly favorable to our commercial interests was sanctioned by the Senate with some modifications at the last session of Congress, which, it is hoped will be ratified without objection by the Sublime Port

7. In a review of our foreign relations there is every motive for mutual felicitation. But few causes of difference between the United States and other powers remain to be removed. By a frank and firm course in pursuit of our rights, asking nothing more and accepting nothing less, we have a fair prospect of soon being in perfect harmony with the whole world. When all foreign governments shall be convinced, that we seek only peace and justice (through frankness and truth); that we (ask) desire to trade with them only on equal terms and for mutual benefit (that we do not interfere with their concerns, foreign or domestic, and only demand that they shall let us alone as we let them alone), they will find many motives to secure our friendship and none to provoke our hostility ———

——— With the people of other countries who may be struggling to recover the rights which we enjoy, it is impossible that we should although we may be called more than once to mourn over the apparent fall of a gallant people, let us not look beyond the lights of our example and the spirit of the age as ~~recommending~~ leading to the universal adoption of the general principle that nations should not interfere with the Governments of one another, as furnishing the ~~best security~~ only medium for the establishment and security of liberty to them all not deeply sympathise. But our interference in their behalf would injure ourselves without benefiting them (doing them good). By preserving in their purity our own institutions and illustrating from year to year their peculiar adaptation to promote human happiness, we do more for the freedom of mankind than we could do by the array of fleets and armies. [We cannot liberate the nations by our arms, but we may by our example). Let the principle be universally established, that no nation shall interfere with the government of another, and each in succession will assume its liberties. We may be called more than once to mourn over the apparent fall of a gallant people, but the spirit of the age, pervading and irresistible as the fire which animates creation, will soon raise them from the ruin in beauty and glory.

The internal peace and security of our

confederated states is one of the principal objects of the general Government. Time and experience have proved that the abode of the native Indian within their limits is dangerous to their peace and injurious to himself. In compliance with my recommendation, at a former (the) seſsion of Congreſs (preceding the last) an appropriation of half a million of dollars was made to aid the voluntary removal of the various tribes beyond the limits of the states. At the last seſsion of Congreſs I had the happineſs to announce, that the Chickasaws and Choctaws had accepted the generous offer of the Government and agreed to remove beyond the Miſsiſsippi river, by which the whole of the state of Miſsiſsippi and the westerly part of Alabama will be freed from Indian occupancy and opened to a civilized population. The treaties with these tribes are in a course of execution and their removal will be completed in the course of

At the request of the authorities of Georgia, the registration of Cherokee Indians for emigration has been resumed, and it is confidently expected that one half if not two third of that tribe will follow the wise example of their more westerly brethren. Those who prefer remaining at their present homes, will hereafter be governed by the laws of Georgia like all her citizens, and cease to be the objects of peculiar care on the part of the general Government.

During the present year, the efforts of the general Government have been particularly directed to the powerful and growing state of Ohio, where considerable tracts of the finest lands were still occupied by the aboriginal proprietors. Treaties have been made extinguishing the Indian title to the (three) reservations in that state, (leaving but one in possession of the natives); & The time is not distant, it is hoped, when that state also will no longer be embarrassed with the Indian population ——————:

——— It is confidently believed, that perseverance for a few years in the present policy of the general Government, will extinguish the Indian title to all lands lying within (the limits of the ~~(any of twenty four)~~ states composing our Federal Union, and remove beyond their limits every Indian who retains his savage habits. Thus will all conflicting claims to jurisdiction between the states and Indian tribes be put to rest{ the states relieved from the presence of an uncultivated and hostile race, will acquire consistency and strength by the diffusion of a homogeneous population throughout their whole extent; and all danger of collision between them and the General Government on account of the aborigines be dissipated forever).

arrangements
— It is pleasing to reflect that (measures)
as beneficial to the States will have been
accomplished by measures equally advantageous
to the Indians. What the native savages
when surrounded by a dense population &
become by (mixing with the whites (and being
hemmed in by their settlements) may be seen in
the miserable remnants of a few Eastern
tribes (deprived of political and civil rights,
forbidden to make contracts and subjected to
guardians, dragging out a miserable
existence without excitement, without hope
and almost without thought. Is this sluggish,
idle, wretched, being to be compared with
the free, independent, ever active and compara-
-tively intelligent man of the forest? The
most savage Indian in the western wilds,
stands immeasurably higher in the scale of
intelligent existence than these listless
beings on whom the lights of civilization
have been shining for ages

But the removal of the Indians beyond the limits and jurisdiction of the states, does not place them beyond the reach of philanthropic aid and christian ~~custom~~ instruction. On the contrary those whom philanthropy or religion induces to live among them in their new abode, will be more free in the exercise of their benevolent functions, than if they had remained within the limits of the states, embarrassed by their internal regulations. Now, subject to no control but the superintending agency of the general Government, exercised with the sole view of preserving peace, they may proceed unmolested in the interesting experiment of gradually advancing a community of American Indians from savage barbarism to the habits and enjoyments of civilized life.

The effect of the improved relations of our Republic, external and internal, has been an increase of trade, producing a corresponding increase of revenue, beyond the most sanguine anticipations of the Treasury Department

Insert amount of the estimated revenue from duties and the actual amount; do of lands and the whole probable revenue for 1832.

R, with some little alteration to connect it with Mr McLane's -

× For a more detailed statement of the revenue, I refer to the able and interesting report of the Secretary of the Treasury. By that document it will be perceived, that with the cooperation of Congress and in the absence of any unfortunate emergency, the public debt may be entirely extinguished on the 3d day of March 1833. I solicit your aid in the accomplishment of this interesting object, and as a very important step towards it, the power to sell the U States Bank stock and apply the proceeds thereof to the diminution of the debt. Let us hasten to an era which few of [illegible] ever expected to see. It will be a jubilee, a proud triumph of freedom, which cannot fail to make its impression on other nations and teach them the value of our institutions.

R

But even this bright prospect, as gratifying and so glorious, imposes upon the present Congress, duties the most delicate and momentous. The present rate and adjustment of import duties, with other sources of revenue, will, after the extinguishment of the public debt, yield an annual income exceeding the necessary current demands of the Government by certainly eight and probably twelve millions of dollars. There is reason to believe, that the increase of our population and the extension of trade will soon cause it to transcend the highest estimate. The questions for the consideration of Congress are - shall means be devised to spend this enormous surplus? or shall the revenue be reduced?+

It is startling to reflect on the probable consequences of giving this Government ten or twelve millions of dollars each year to scatter over

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the territory of our republic. The people may be induced to elect Representatives to Congress, not with a view to their capacity and integrity, but solely by the opinion entertained of their adroitness and skill in making bargains and arrangements by which the largest share of the public treasure should be spent in their several districts: the capitol, instead of being the theatre of useful legislation, may be converted into an arena in which the contents of the Treasury shall be the prize of contention: and the expenditure of ten millions a year, or forty millions in four years, may so increase the patronage and influence of the President, that he can purchase a reelection and transfer his office to a successor of his own selection. These considerations were there none in constitutional right and other views of state policy, are, it seems to me, conclusive against permitting such a surplus to come into the Treasury. But were it otherwise it will be universally conceded, I think, that there are no public works which the general government can of right or ought in policy to undertake, that would require an annual expenditure of ten or twelve millions of dollars. I therefore believe it to be the true policy of this Government to diminish the receipts of the Treasury by reducing the duties on imports and other means, to take effect from the 3d of March 1833, to the amount of at least eight millions of dollars.

2 ⊕ The reduction of the import duties comes in direct contact with the policy of a protecting tariff which has heretofore, for some years, been a leading object of congressional legislation. My views of the constitutional power of Congress in that respect, and the considerations which ought to regulate its exercise were fully

disclosed in a former message, and it is not necessary now to repeat them]. I may, however, adduce other views immediately connected with the important subject which must occupy a large share of your deliberations.

A tariff of mere protection, imposed with the sole view of promoting a particular branch of industry, without regard to revenue, would probably be pronounced inexpedient by every member of our community. If Congress were to lay duties producing ten millions of dollars annually and direct that the money when paid into the Treasury should be buried in the ~~ocean~~ earth or sunk in the fathomless ocean, it would be a tariff of mere protection. Would such a Tariff be expedient? Would it not be throwing away the profits of our peoples labour to the amount of ten millions annually! Would they not see with a force of conviction more powerful than any argument, that this proceſs however it might benefit the manufacturers, must drain and empoverish the country? Would not every man feel, that a dollar, taken from his pocket and thrown into the ocean, cannot add to his comforts or enrich his country? Such a Tariff would not be borne for a year. Every section of our country would rise up and demand its repeal.

If the ten millions of dollars after being thus raised were given to the Government of Great Britain to aid in paying their national debt or make roads and canals through their territory, would the injury to the United States be the leſs obvious and intolerable? However a few manufactories might flourish and a few citizens get rich by the high prices thus superinduced upon the proceeds of their labour, would not the certain effect upon the country be general injury and impoverishment? Would the American citizen be reconciled to paying the national debt of Great Britain by the consideration that the same operation enabled his neighbour to get rich at his expense by exacting a higher price for the products of his manufactory?

If the ten millions thus raised were given to the State of Tenneſsee to make roads and canals, would it not be obvious that the rest of the Union was taxed, drained and impoverished for the benefit of that state? Would it reconcile the country to this unneceſsary tax, if it were shown that a few manufacturers in Rhode Island were getting rich in consequence of the higher prices to which those duties raise the articles with which our people are clad? Would it prove any thing except that the people of Tenneſsee were enjoying the profits of ten millions of dollars raised from the whole people of the United States as a duty on imports, and the manufacturers of Rhode Island ten million more raised from the same people by the enhanced price of their manufactures: and that their fellow citizens in other states were quietly paying an annual tax of twenty millions for the benefit of these two states? Such a system would not be tolerated a moment after it was generally understood. Yet, this is substantially the effect of raising money by a general Tariff and spending it on local works of internal improvement.

Were the ten millions then raised by a protecting Tariff given to particular citizens in due proportion to each state; the injury and wrong would scarcely be less to the tax paying people. Pennsylvania whose citizens pay about a tenth of the duties, might see the million of dollars thus exacted given to ten of her prominent men at the rate of $100.000 a piece; but would her people consent to be taxed or would it be right to tax them a million of dollars for such a purpose? or would such a tax be made right or tolerable by the consideration, that ten more of her citizens would be made rich by the higher prices which they would thus be enabled to exact from their manufactures? No State in the Union would bear a tax in any shape which thus obviously conduced to make a few rich at the expense of the many.

No man, I think, will pronounce a Tariff expedient or in any way beneficial to the country, when the proceeds, not being wanted for any legitimate purpose, shall be buried in the earth, sunk in the ocean, given to a foreign Government or people, bestowed on a single state or expended on local objects, or even if they be presented to a few citizens of each state. Our people would never consent to pay high duties and high prices for such objects.

By no practicable system can Government diffuse equally its taxes and expenditures. Taxes must be raised for the whole people: but expenditures are necessarily created at the capitol, at the naval depots and military stations. In a moderate degree, all other portions of the country are drained and impoverished to furnish those funds which render an incidental benefit to these particular spots, in the support of the public establishments. Every device to equalize the expenditure by increasing taxes and disbursements only increases the evil. A few more spots may be benefitted, but the general burdens and consequently the general inequality become greater. The nearest approach to equality is when the taxes and disbursements of Government are least. Money is better diffused when in the pockets of the people than Government can diffuse it by any system of expenditure.

The American people will ever be willing to pay whatever duties or taxes may be necessary to support their Government, maintain their army and Navy, and accomplish such works of national importance as are authorised by the Constitution. They will never complain of the inequalities of taxation or expenditure which are necessarily incident to the accomplishment of those objects. nor will they complain of the adjustment of those duties in such manner as to protect American industry, particularly in those branches which are most essential to the

17 independence and defence of the country. But they cannot be expected and ought not to be required to pay ten or twelve millions of dollars which is not needed for the support of their government and cannot be applied to objects of general utility.

1 ⊕ All reductions of the import duties should be made prospective, that our merchants may therefore have time to dispose of Articles on hand which have been subjected to existing duties without loss to themselves. If the reduction be upon articles manufactured in the United States, a prospective reduction is no less due to the manufacturer that he may accommodate his business to the altered circumstances.

From these considerations I recommend a revision of the Tariff to take effect after the 3d of March 1833, with the object of reducing the proceeds of the import duties at least eight millions of dollars. From articles which enter into the consumption of the laboring classes constituting a large portion of their comforts, from articles purchased abroad by an exchange of the produce of our farmers and planters, and from articles used in manufacturing, none of which are grown or manufactured in the United States, no objection is perceived to a repeal of the entire duty. The benefits would extend over every section of our country and reach every class of our people, while none would be injured, directly or indirectly. By a careful revision of the remaining duties it is believed they may be so adjusted and apportioned as to afford all reasonable protection to every branch of national industry which it is the interest of the people in that manner to protect. The manufacturers themselves should remember, that extravagant duties for their protection, even if acquiesced in by their fellow citizens, defeat the object of their imposition by the inducements they hold out for illicit trade. They should also remember that unreasonable exactions for their protection, will, as they have done already, raise up a violent opposition among their own countrymen, and as public opinion is apt to vibrate from one extreme to another before it settles down at a just medium, they have cause to apprehend, that perseverance in adhering to the abuses of the Tariff, will lead to an indiscriminate destruction of all that is ~~bad~~ good as well as all that is bad in its provisions, leaving them to encounter for a time a hostility more fatal to their interests than the friendship of the Government has been beneficial. In their own interests, therefore, properly understood, will the manufacturers and their friends find an adequate motive for moderation and concession.

Higher motives may be found for mutual concession and compromise between citizens of conflicting interests and opinions, in an elevated patriotism. In the affairs of Government as well as in the concerns of private life, much is due to the opinions and even to the prejudices and errors of those with whom we are associated. Errors honestly entertained and confidently cherished constitute as powerful motives of human action as acknowledged truths. From want of forbearance and concession on one side and the other, until the lights of knowledge would be made to dissipate the mists of prejudice, nations have often been precipitated into fearful anarchy and bloody wars. It cannot be doubted that many

In its adjustment, the demands on account of the public debt being satisfied, room will be afforded for ~~such a liberal compromise of opinions as may leave no section of the country any just ground to complain of actual oppression~~ for the exercise of that spirit of good will and conciliation to which we must look for a fair distribution of the burdens as well as benefits of Government.

Should this spirit govern our deliberations on this interesting subject as there is nothing in the prospects of the country which threatens to ruin it excepting internal dissension, scarcely a doubt can be entertained of our citizens honestly believe a Tariff of protection to be unconstitutional, impolitic and oppressive; and it is equally certain that others believe it constitutional, politic and highly beneficial to the general interests of the country. Perhaps it is fortunate for the nation that the circumstances of the Government make it unnecessary for Congress to predicate its legislation upon either of these positions. In a necessary reduction of duties room is afforded for a liberal compromise of opinions which shall at least leave to none any just ground to complain of actual oppression; and in the prospects of our country there is nothing which threatens to make the subject one of exciting interest hereafter.

In the spirit with which you shall enter upon this interesting subject, and in the manner of its final adjustment, it is devoutly hoped, that the enemies of our union who are also the enemies of mankind, may be once more disappointed

With a reduction of eight millions in our annual revenues, it is probable we shall still have a surplus of several millions. In my former message I recommended that the surplus revenue be distributed among the states in an equitable ratio, if such a measure be deemed consistent with the Constitution. I still think such a distribution the most equitable and safe disposition which can be made of it. It will return this portion of the mony drawn from the people to the sections of country whence it came: prevent corrupting contests in Congress for local appropriations: deprive the Executive of the dangerous patronage which must be incident to the expenditure of so large a sum of money. and cause it to be applied with more economy and effect than it can be under the superintendence of the general government.

It is urged by some, that such a distribution of the surplus revenue would be unconstitutional. If perchance the general government should raise more money by taxation than its necessities may require, I cannot perceive that it would be unconstitutional to restore it to those who paid it; or if that be impoſsible, to hand it over to their more immediate agents and representatives in the State Governments. It is none the leſs the money of the people because it has been paid into the Treasury. and whatever scruples may be entertained as to the power of congreſs to apply it to purposes of internal improvement, there can be no doubt as to the right of the State Governments. In my suggestions upon this subject. I have been influenced by a desire that the General Government shall be seen and felt as little as possible within the limits of the States whose internal rights and powers it is its duty to preserve and protect rather than to absorb and destroy: but if a more constitutional and politic mode of distributing the surplus revenue can be devised by the wisdom of Congress it will give me pleasure to see it adopted.

I have heretofore

In former messages I recommended amendments of the Federal constitution giving the election of President and the Vice President to the people, and limiting the service of the former to a single term. So important do I consider these changes in our fundamental law, that I cannot in accordance with my sense of duty, omit to press them upon the

21

consideration of a new congress. For my views more at large as well in relation to these points as to the alternative disqualification of members of congress to receive an office from a President in whose election they have had an official agency, I refer you to my former messages (whose arguments and suggestions it is unnecessary to repeat)

Our system of public accounts is extremely complicated and it is believed may be much improved. A single fact will illustrate this truth: a citizen presenting an account at the office of the 2d, 3d or 4th auditor is obliged to visit eight different offices and two of them twice, however plain and uncontested may be his claim, before he can obtain payment in the regular channel. Indeed some accounts of

[illegible] ([illegible]
avoiding detail

would
avoiding [illegible]

the Navy department having to pass the
inspection of the Navy commissioners, and most
of those of the War Department having to
pass their various bureaus, go to nine
different offices in their progress. It is only
in the auditors and comptrollers offices that
there is any authoritative examination into
the justice or legality of the account; the
rest is little else than form. It is believed
that a simple system may be devised more
efficient and equally safe, which shall
dispense with one third or one half of
the existing machinery and curtail the
incidental expenditure of public money
to a large amount
at least (one hundred thousand dollars
per year). With a view to a general
would suggest
reform in the system, I solicit permission
the propriety of authorizing the appointment
to appoint) three commissioners who shall
thoroughly examine the present system

22 of public accounts and prepare a revision
to be submitted to Congress at their next
session.

Rotation in office has ever been a
favorite maxim in our republic. It has
existed however more in theory than in practice.
It is not doubted that many men spend a
life time in office and preserve their honor
and integrity unsullied. But the tendency of
official power is to corruption. The mind is
apt to bend gradually to its influence (until
the public officer, who, when originally appointed
and public officers altho ~~[illegible]~~ and
would as soon take a dollar illegally from
from being honest themselves may be
his Brother as from his Government, winks
disposed to connive at — them
at frauds and abuses) in others (if he does
not practise them himself). Besides an
annual salary which is considered a
provision for life, encourages idleness and

dissipation. Men seek to do as little as they can and keep their places, and spend all they receive because they consider their income as certain. Few office holders improve in their habits, their minds or their circumstances, while many obviously deteriorate. It is not doubted that a practical rotation, especially in the offices in this city, would add much to the efficiency of the Government, as well as to the talents industry and character of the official corps. In these points the Government would gain more than it would lose by parting with some & retaining a few faithful and experienced servants. I would therefore suggest for the consideration of Congress whether the public good would not be promoted by establishing by law a ~~rotation~~ limitation in all the subordinate offices at Washington, (limiting their tenure to

four or

23

eight years, and providing that one eight should go out annually, beginning with those longest in office, unless the appointing power reappointed them. It would be but just to distant states, if, to the limitation & rotation in these offices should be added a distribution giving to each state in the Union its due portion of the new appointments. Intelligent young men would then be brought to the Capital from all the states, who would look to office as a means of acquiring property as well as money, and at the end of eight years would return, unless reappointed, with the savings of their official service, to commence other business and spread information in the places of their nativity. By such a law all the states in due proportion and a greater number of persons, would participate in the benefits of office, if any there be: industry, integrity and economy would be promoted, intelligence disseminated and that feeling of aristocratic pride, privileged superciliousness and courtly extravagance which so naturally springs up round a Government, be measurably suppressed and hereafter prevented.

I deem it my duty again to call the attention of Congress to the condition of the District of Columbia. Perhaps it was wise in the framers of our constitution, partially to disfranchise the people of this district, that those engaged in the administration of the Government and their dependents might have no immediate agency in the perpetuation continuance of their power. But to accomplish that object it is not necessary that this people should be deprived of all the privileges of self Government. Independently of the difficulty of inducing the representatives of distant states to turn their attention to projects of laws which are not of the highest interest to their constituents, they are not individually nor in congreſs collectively well qualified to legislate over the local concerns of this district. Consequently its interests are much neglected and the people are almost afraid to present their grievances, lest a body in which they are not represented and which feels no sympathy in their local relations, should in its attempt to make laws for them, do more harm than good. Governed by the laws of the states whence they were severed, the two shores of the Potomac within the ten miles square, have different penal codes, not the present codes of Virginia and Maryland but those such which as existed in those states at the time of the ceſsion to the United States. As Congreſs will not form a new code and as the people of the district cannot make one for themselves they ~~see themselves~~ are virtually under two Governments; (and while all the world around them is advancing and improving in its legislation they are doomed to stand still). Is it not just ~~to this people~~ to allow them at least a delegate in Congress, if not a local legislature to make laws for the district subject to the approbation or rejection of Congress? I earnestly recommend the extension to them of every political right which the public interest requires & which is compatible with the Constitution

The extension of the Judiciary system of the United States is deemed to be one of the duties of Government. One fourth of the states in the Union do not participate in the benefits of a circuit court. To the states of Indiana, Illinois, Missouri, Alabama, Mississippi and Louisiana, admitted into the Union since the present judicial system was organized, only a district court has been allowed. If this be sufficient, then the Circuit court already existing in eighteen states, ought to be abolished; if it be not sufficient, the defect ought to be remedied and those states placed on the same footing with their sister states. It was on this condition and on this footing that they entered the Union and they may demand Circuit courts as a matter, not of concession, but of right. I trust that Congress will not again adjourn, leaving this anomaly in our system.

Nothing has occurred to change the views heretofore expressed by me in relation to the Bank of the United States. On the contrary, the facts disclosed relative to the operations of the existing Bank, showing that its domestic exchanges for the last year were ninety million of dollars, which at one half per cent, might have yielded $400.000, prove, that an institution, which without the

I therefore ~~and~~ call your attention to ~~[illegible]~~ remarks in my former message on this subject power of discount, should perform the domestic exchange business of the United States at a very small premium, is not only practicable, but might be made the source of much profit.

The reports from the Secretaries of War & Navy and from the Post master Genl accompanying this message are respectfully referred to. They exhibit detailed accounts of the operations of the departments respectively under their charge, and suggest improvements which are worthy of the serious attention of Congress

26.

In conclusion permit me to invoke that Power which superintends all Governments, to infuse into your deliberations at this important crisis of our history, a spirit of mutual forbearance and conciliation. In that spirit was our constitution formed, and in that spirit must our union be preserved. The time will come when it will no longer be considered the business of Government to interfere with the opinions, professions or pursuits of men. What is liberty but the power to think, speak and act as we please? and what Government so well preserves liberty, as that which permits the people to think, speak, and act as they please, consistently with the rights of others? The duty of Government is to restrain the bad and let the good alone. To this conclusion will mankind come at last. We have made an approach to it which has excited the attention of the world; but we are far from being perfect. Our people yet look to their Government to keep them a first along in the road to wealth and happiness, when they should look only for protection, and for the rest depend on themselves. That is the perfection of regulated freedom. If we cannot at once have all things as we would, let us not cast away the means by which we have atchieved so much, and thro' which we have cause to expect so much more: but dismissing passion and her train of furies, urge on the march of reason and await her peaceful triumphs. In a few years she will bring us a plain, cheap Government, content with the exercise of a presiding and protecting power, by the good scarcely seen or felt, but considered by all, with a sentiment next to adoration, the preserver of all that is valuable in liberty.

J's Message to the Senate, Dec. 8, 1831.
(slight verbal difference from message actually sent -) *Register of Debates*, VIII^{2}. 1417.

Not in *Messages & Papers of the Presidents*!

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To the Senate of the United States.

Commiſsions having been granted, during the recess of the Senate, to the following persons, I now nominate them to the same offices, as are respectively annexed to their names:

tion

Actually delivered
(in slightly amended
form) June 11, 1832

May 11 may have
been a slip.

A. J. D
Secretary

Washington
May 11th 1832

To the Senate

I renominate Saml Gwin
to be register of the Land office at
Clinton in the State of Mississippi

In nominating Mr Gwin to
~~this~~ office, again, it is proper ~~I should~~
to state to the Senate, that I do so,
in compliance with the request of
numerous citizens of the State of
Mississippi, and with that of one of
[illegible] Senators from the same State. The
[illegible] expressing this request are

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herewith respectfully enclosed for the consideration of the Senate. It will be perceived that they bear the fullest testimony to the fitness of Mr. Irwin for the office and evince a strong desire that he should be continued in it ~~notwithstanding he was not at the time of his appointment by the President a citizen of the State in which it is located~~.

Under these circumstances, ~~and~~ ~~am~~ ~~persuaded~~ ~~induced~~ ~~to~~ ~~next~~ ~~resume~~ ~~the~~ [illegible]
and with a perfect knowledge of his
~~that produced the opinion~~ [illegible]
claims upon the government [illegible]
services performed, his honesty [illegible]
I feel it my duty as an act of

justice to him, to place his name
again before the Senate, not
doubting that the Senate will
embrace with cheerfulness an opportunity
with fuller information
to ~~do him equal justice~~ reconsider
their former vote upon his
nomination. ~~Since~~ which it appears to have
been given without a full knowledge
of his character ~~qualifications~~ for the office

Bus veto; July 10, 1832

ajD's hand –

compare with Kendall's draft

The bill "to modify and continue" the act entitled "an act to incorporate the subscribers to the Bank of the United States" was presented to me on the 4th July instant. Having considered it with that solemn regard to the principles of the constitution which the day was calculated to inspire and come to the conclusion that it ought not to become a law, I herewith return it to the Senate in which it originated with my objections

~~Having considered~~ The bill ~~act~~ to modify and continue the act ~~act~~ entitled "an act to incorporate the subscribers to the Bank of the United States", and come to the conclusion that it ought not to become a law, I herewith, in obedience to the constitution, ret[illegible] it to the [illegible]ate in which it [illegible]inates with my [illegible]tions to [illegible]sage.

[illegible] A Bank of the United States is in many respects convenient for the Government, and useful to the people. Entertaining this ~~opinion~~, and deeply impressed with the belief that some of the powers and privileges possessed by the existing Bank, are unauthorised by the constitution, subversive of ~~subversive of~~ the rights of the States, ~~and~~ and dangerous to the liberties of the people ~~and of doubtful constitutionality~~, I felt it my duty at an early period of my administration to call the attention of Congress to the practicability of organizing an institution combining all its advantages and obviating these objections. I sincerely regret, that in the act before me I can perceive none of those modifications of the Bank charter which are necessary, in my opinion, to make it compatible with justice, with sound policy or with the constitution of our ~~my~~ country.

The present corporate body denominated the President, Directors, and Company of the Bank of the United States, will have existed at the time this act is intended to take effect, twenty years. It enjoys an exclusive privilege of Banking under the authority of the General Government, a monopoly of its favor and support, and as a necessary consequence, almost a monopoly of the foreign and domestic exchange. The powers, privileges and favors bestowed upon it in ~~by~~ the original charter by increasing the value of the stock far above its par value operated as a gratuity of many millions to the stockholders ~~increased the value of the property vested in it as stock, at least twenty five per cent. Every one hundred dollars paid in became worth one hundred and twenty five: the twenty eight millions paid in by the private stock-holders, became worth thirty five millions and~~

(~~Thus by an act of Congress, was seven millions of~~
out ~~dollars added to the property of a few stock jobbers.~~
~~and rich men~~) for the failure to ~~guard~~ guard against
the enormity of present this result
An apology may be found for ~~the~~ ~~imposition~~ result measure
~~of thus legislating millions of dollars out of the~~
~~whole community into the coffers of a few individuals~~
in the consideration that the effect of the original act
of incorporation could not be certainly foreseen at the
time of its passage. The act before me proposes another
~~donation~~ gratuity to the holders of the same stock, and in many
cases to the same men of at least seven million more.
This donation finds no apology in any uncertainty as
to the effect of the act. On all hands it is conceded,
that its passage will increase at least twenty or thirty ~~five~~ per
cent more, ~~subject to their market price~~ the market
price of the stock, subject to the payment of the annuity
of $200.000 per year secured by the act, thus adding
in a moment one fourth to its par value. ~~To~~
~~the holder of ten shares it is a donation of two hundred~~
~~and fifty dollars, to the holders of one hundred shares~~
~~it gives two thousand five hundred dollars, and to the~~
~~holders of a thousand shares, twenty five thousand~~
~~dollars. The injustice of thus making the rich~~
~~richer by an act of legislation, at the expense of~~
~~the whole American people, is too palpable to~~
~~be directly defended. It is equivalent in effect to the~~
~~grant of millions of dollars out of the Treasury by~~
~~act of Congress to these stockholders by name, assigning~~
~~to each his hundreds, his thousands, and his tens of~~
~~thousands of the national~~ gratuity. It is not our
own citizens only who are to receive the bounty
of our Government. More than eight millions
of the stock of this Bank are held by foreigners.
By this act, the American republic proposes virtually
to make them a present, ~~at the expense of our~~
~~own people~~, of ~~ten~~ some millions of dollars. To ~~his~~ Sir Wm
~~Keppel~~, General in | his ~~Majesty~~ service knight grand

Knight of the order of the Bath, owning $72. 200 of stock,
2 it proposes to give ~~at least $18.050, and to Baring~~
~~Brothers & Co, one of whom was lately selected as a~~
2 ~~member of an Anti reform cabinet, owning $791.~~
~~500. of stock, it proposes to give at least $197. 875.~~
For these ~~enormous~~ gratuities to foreigners and to some of our own rich citizens, the act secures no equivalent whatever. They are the certain gains of the present stockholders under the operation of this act, after making full allowance for the payment of the bonus.

Every monopoly and all exclusive privileges are granted at the expense of the people who ought to receive a fair equivalent. ~~Wealth cannot be made out of nothing.~~ and The many millions which this act proposes to bestow on the stockholders of the existing bank, must come, directly or indirectly, out of the earnings of the American people. It is due to them therefore, if their Government sell monopolies and exclusive privileges, that they should at least exact for them as much as they are worth in open market. The value of the monopoly in this case may be correctly ascertained ~~by the aggregate market price of the stock above par upon the renewal of the charter, added to the whole amount of the bonus. That the stock would be at an advance of fifty per cent is not doubted.~~ The twenty eight millions of stock would ~~would~~ probably be at an advance of fifty per cent and command in market at least forty two millions of dollars subject to the payment of the bonus. The present value of the monopoly, therefore, is seventeen millions of dollars, and this the act proposes to sell for three millions payable in fifteen annual instalments of $200.000 each.

The present

It is not conceivable how the present stockholders ~~can have any~~ no claim to the special favor of the Government above any other citizens. One gratuity of seven millions of dollars ~~certainly gives them~~ no

The present corporation has claim to another; ~~and having~~ enjoyed their monopoly during the period stipulated in the original contract, they ought now to pay for its renewal as much ~~as~~ ~~much~~ as would be given by other citizens for like privileges, or be content to see them pass into other hands. If we must have such a corporation, why should not the Government sell out the whole stock itself, and thus secure to the people the full market value of the privileges granted? Why should not Congress create and sell ~~twenty~~ eight ^ twenty ~~seven~~ ^ five millions of stock, incorporating the purchasers with all the powers and privileges secured in this act and putting the premium upon the sales into the Treasury. ~~They would thus secure to the people at once fourteen millions for the very rights and powers which this act sells for three payable in fifteen annual instalments.~~

But this act does not permit competition in the purchase of this monopoly. It seems to be predicated on the erroneous idea, that the present stockholders have a preemption right, not only to the favor but to the bounty of Government. It appears that more than a fourth part of the stock is held by foreigners and the residue is held by a few hundred of our own citizens chiefly of the richest class. ~~there are in the Bank 4,145 stockholders. Of these 475 are foreigners owning 8 8. 405. 500 of the stock; 3,670 resident stockholders, being in proportion to the whole population of the republic as one to 3,512 or thereabouts. Of the resident stockholders 200 individuals own 8,958,100 of the stock, being on an average about 44,790 each, leaving less than in the hands of the middling classes of our society. Chiefly for the benefit of these 162 foreigners and rich merchants, brokers,~~ For their benefit, does this act exclude the whole American people from competition in the purchase of this monopoly.

and sell it for ~~fourteen~~ many millions less than it is worth. This seems the less excusable because some of our citizens, not now stockholders, petitioned that the door of competition might be opened, and offered to take a charter on terms much more favorable to the Government and country.

Out

(They asked an act of incorporation of the following description, or, to use their own words, on "such other reasonable conditions as may seem meet. The capital to consist of fifty millions of dollars. any sum less than half the whole amount to be subscribed by the Government. The subscription books to be open to all the citizens, and if more than the capital be subscribed, the stock to be apportioned equitably among the subscribers, by commissioners appointed for that purpose" &c. They offered to pay into the Treasury a bonus of one per cent per annum on the whole amount of the stock and a tax to the states of one per cent on the capital employed in them respectively, on condition that they should have, in other respects, the same rights, powers and privileges and be subject to the same restraints and liabilities as the present bank.)

Here was a proposal by responsible men, composed altogether of American citizens, to purchase the monopoly on much better terms than are secured in this act. If the petition had been granted with a charter restricted to fifteen years and a private capital limited to twenty eight millions of dollars, it would have brought into the Treasury $280.000 per year or $4.800.000 in fifteen years instead of the $3.000.000 proposed by this act, and at the same time would have secured to the States a tax of one per centum more or $280.000 per year, making, when added to

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out

the bonus the sum of $9.600.000. That with these burdens the stock would have been worth more than par in the market, arguments drawn from the value of money, the sagacity of the petitioners, and the experience of the existing Bank conclusively prove: so that the purchase of the monopoly on these terms would have been a speculation by which they would have realized 4 or 5 millions of dollars.

But ~~Yet~~ this proposition, ~~so much more favorable to the Government and opening the field of competition to all our citizens~~, ~~backed by the names of~~ attempt made by men whose aggregate wealth is believed to be equal to all the private stock in the existing bank, has been set aside, and the bounty of our Government is proposed to be again bestowed on the ~~[illegible]~~ few ~~showered on the favored foreign and privileged few of our own citizens~~ who have been fortunate enough to secure the stock and at this moment wield the power of the existing institution. I cannot perceive the justice or policy of this course. If our Government must sell monopolies, it would seem to be its duty to take nothing less than their value in open market. But if gratuities ~~of millions upon millions~~ must be made once in fifteen or twenty years, let them not be bestowed on ~~the titles and minions~~ the subjects of a foreign Government aristocracy, nor yet upon the a favored class ~~same set~~ designated of rich men in our own country. It is but justice and good policy, as far as the nature of the case will admit, to confine our favors to our own fellow citizens and let each in his turn profit by our bounty. ~~The farmers, mechanics and labourers, from the smallness of their earnings, their constant~~

industry and ignorance of stock jobbing rules, are necessarily excluded from all participation in these splendid gratuities; but it is possible, and therefore politic and just, to diffuse them more widely among those who may have means and opportunity to profit by them.

Out

Believing that it is unjust to the people to give millions to rich citizens and foreigners at their expense; that it is impolitic to make the rich richer by legislation, to bestow our bounty on a favored few and exclude competition in the sale of this monopoly; and moreover convinced, that if it must be sold at all, it is due to the people that the best terms offered ~~shall be accepted~~, ~~I find~~ in the bearings of the act before me upon these points, there ample reasons why it should not become a law.

The modifications of the existing charter proposed by this act, are not such, in my view, as make it consistent with the rights of the states or the liberties of the people. The multiplication of offices authorised to issue notes, is calculated to make the local currency of the Bank less safe than it now is. The qualification of the right of the Bank to hold real estate; the limitation of its power to establish branches, and the power reserved to Congress to forbid the circulation of small notes, are concessions restrictions of little value or importance. All the objectionable principles of the existing corporation and most of its odious features are retained without alleviation.

The fourth section provides, "that the notes or bills of the said corporation, although the same be, upon the faces thereof respectively made payable at one place only, shall, It has been urged as ~~an argument~~ a reason in favor of rechartering the present Bank that the calling in of its loans will produce great embarrassment and distress. The time allowed to close its concerns is ample; and if it has been well managed its calls will be light, and heavy only in case its management has been bad. If, therefore, it shall produce pressure and distress, the fault will be its own; and it ~~will~~ would furnish ~~an argument~~ a reason against renewing a power which has been so obviously abused. But will there ever be a time when this ~~argument~~ reason will be less powerful? To acknowledge its force is to admit that the Bank ought to be perpetual ⊕. Those only who ~~have~~ come to that conclusion, will rely upon ~~it~~ or use it

⊕ - and as a consequence, the present stock-holders & those inheriting their rights as successors be established a privileged order clothed both with great political power and enjoying immense pecuniary advantages from their connection with the Government nevertheless, be received by the said corporation at the Bank, or at any of the offices of discount and deposit thereof, if tendered in liquidation or payment of any ballance or balances, due to said corporation or to such office of discount and deposit from any other incorporated Bank". This provision secures to the state banks a legal privilege in the Bank of the United States which is withheld from all private citizens. If a state Bank in Philadelphia owe the Bank of the United States and have notes issued by the St. Louis Branch, it can pay the debt with those notes: but if a merchant, mechanic or other private citizen be in like circumstances, he cannot by law pay his debt with those notes, but must sell them at a discount or send them to St. Louis to be cashed. This poor boon conceded to the state Banks, though not unjust in itself, is most odious, because it does not measure out equal justice to the high and the low, the rich and the poor. It is in the nature of a privilege granted by a monarch to his nobles which is withheld from the poor and untitled, because those whom he intends to govern by power he does not think it necessary to conciliate by favor. To the extent of its practical effect, it is a bond of union among the banking ~~[illegible]~~ establishments of the nation, erecting them into an "interest" separate from that of the people: and its necessary tendency is to unite the Bank of the United States and the state Banks in any measure which may be thought conducive to their common interest, ~~whether public or private, pecuniary or political~~

The ninth section of the act recognizes principles of ~~more fatal~~ worse tendency than any provision of the present charter. It enacts that "the cashier of the Bank

~~stockjobbers, it will be hunted up in every corner of our country, bought and sent abroad~~, until scarcely enough will be left in the United States to qualify twenty five American citizens for President and directors.

Thus will this provision, in its practical effect, deprive the eastern as well as the southern and western states, of the means of raising a revenue from the extensive business and ~~enormous~~ vast profits of this institution. It will make the American people debtors to ~~the nobility and gentry of Great Britain~~ aliens in nearly the whole amount due to this Bank, and send across the Atlantic, from ~~three~~ two to five millions of specie every year to pay the Bank dividends. ~~The tax~~ upon tea was but an atom to the Globe compared with the tax which this system would impose upon the people of these states, not for the support of their own Government, not for the emolument of our own citizens, but for the support and aggrandizement of the enemies of public liberty in the British Isles. By a system of stocks, the common people of that empire have been reduced to the lowest stage of poverty and wretchedness. To pay the stockholders of the Government and numberless corporations, they are taxed, directly and indirectly, upon their food and their clothing, their light and their fire, their books and their tools, their travelling and their resting, upon all their necessaries, comforts and luxuries, until the pittance left out of the earnings of their labor, is scarcely sufficient to afford them a miserable subsistence. That vampyre Aristocracy, warned by the throes of its exhausted victim, that it cannot much longer expect support by draining the life blood of the British nation, now casts its eyes upon the fresh features of young America and is ~~sinking to thrust its beak into~~ fastening upon the veins

out

of our industry. This act not only tolerates but invites their cupidity. As if it were a happiness to be their debtors and a public benefit to be drained of millions a year of our best currency, we offer them a premium of entire exemption from taxation as an inducement to buy up the stock of this Bank. In seeming compassion for their approaching loss of power to tax and tythe ~~to starvation~~ their fellow subjects, we offer to make the American people their dependents and tributaries. We propose to make every note and obligation given to the Bank of the United States, in all but their forms, notes and obligations to the nobles and gentry of the British Empire.

cut

~~There is another view of this subject of possible more appalling to the lover of liberty and national independence~~ In another of its bearings the measure is fraught with danger. Of the twenty-five directors of this Bank, five are chosen by the Government and twenty by the citizen stockholders. From all voice in these elections the foreign stockholders are excluded by the charter. In proportion, therefore, as the stock is transferred to foreign holders, the extent of suffrage in the choice of directors is curtailed. Already is almost a third of the stock in foreign hands and not represented in elections. It is constantly passing out of the country and ~~the inducements held out by~~ this act will ~~send secure the whole across the Atlantic~~ soon accelerate its departure. The entire control of the institution would necessarily fall into the hands of the few citizen stockholders, ~~ease with which a few men may acquire and wield the whole power of this formidable institution, would afford them an inducement to retain their stock. Nearly the whole stock left in the United States, will be held by the President and directors, who will, from year to year, elect themselves~~ and the ease with which the object would be accomplished, would be a temptation to designing men to secure that control in their own hands by monopolizing the remaining stock. There is danger that the President and directors would then be able to elect themselves from year to year, and, without responsibility or control, manage the whole concerns of the Bank during the existence of its charter. It

easy to conceive that great evils to our country and its institutions might flow from such
is ~~not to be supposed that when they~~ would ~~rule~~ ~~attain~~
a concentration of power in a few men irresponsible to the people
~~more than will be sufficient for only to~~
secure their power, and they would seek their chief emoluments in connections with their ~~British~~ friends, the foreign stockholders. Thus, the President and directors of this Bank would become the mere self constituted agents of the British Aristocracy to collect their revenues in America. Not in the shape of excisemen and tything men, as in England, but under the name of Bank officers ~~Presidents~~, ~~directors, cashiers and clerks~~, will the nobility and gentry of England disseminate their tax gatherers throughout our republic. ~~and corrupt our people~~.

cut

Is there no danger to our liberty and independence in a Bank ~~so thoroughly British~~ which in its nature has so little to bind it to our country? The President of the Bank has told us, that "most of the State Banks exist by its forbearance." ~~By the~~ ~~few~~ trifling privileges conceded to them in this act, the tendency of which is ~~to attempt~~ to bind them to its interest by favor as well as fear. Its power over men of business is not less than over the State Banks. Operating upon ~~Through~~ the fears of some ~~its debtors~~ and the hopes of others ~~those who are not, it silences some and incites others to speak; it makes its own will the will of thousands, and~~ it pours its influence unseen through all society in innumerable streams. ~~When all this power and influence~~ Should its influence becomes concentred, as it ~~certainly will~~ may under the operation of such an act as this, in the hands of a ~~dozen British agents,~~ foreign of a self elected directory whose interests are identified with those of the foreign stockholders, will ~~there~~ not be cause to tremble for the purity of our elections in peace, and for the independence of our country in war? ~~In~~ Their power would be great whenever they might choose to exert it; but if this monopoly ~~times of peace, when it meets with no opposition,~~ were regularly renewed, every fifteen or twenty years on terms proposed by themselves, they ~~when it can, once in fifteen or twenty years,~~ might seldom in peace put forth their strength to influence elections or control the affairs of the nation. ~~procure from our liberal government a gratuity of six or eight millions of dollars, and~~ But if any private citizen or public functionary should interpose to curtail its powers or prevent a renewal of its privileges it cannot be doubted that he would be made to feel its power.

make six or eight per cent per annum upon its capital; its power will not be felt, except in the feebleness of American industry caused by the constant drain of its life blood to support a foreign aristocracy. But let any man or set of men oppose its exactions and resist the periodical renewal of its monopoly; let any Congress, any President or any Statesman, seek to redeem his country from

a. this new thraldom and excite her ~~to a second~~ ~~declaration of~~ independence; it is not to be imagined that those ~~British~~ capitalists who ravaged the Carnatic and sought for gold in rivers of Indian blood, will relinquish their ~~grasp upon the liberties~~ hold of America without a fearful struggle. The dependent State Banks will be ordered up to exert their power; debtors will be warned that their safety ~~depends~~ consists on their active fidelity to the Bank; men of business will learn that all their hopes of future favor depend on their zeal in the important crisis; the ambitious men of our

out

Senate House will be reached through more channels than Philip of Macedon corrupted the orators of Athens; the streams of public intelligence will be poisoned in their fountains; by secret gratuities and accommodations the press will be corrupted, and the unsuspecting freeman, seeking for truth, will hold in his hands a contaminated sheet. ~~If~~, as now, an interest of many millions should be involved in the renewal of the monopoly, and the managers of the Bank become less scrupulous and our public men less pure, a hundred thousand dollars may be given for a vote and a million for the signature of a President. Could they obtain the passage of such an act as

Should the stock of the Bank principally pass into
the hands of the subjects of a foreign country, and we
should unfortunately become involved in a war
with that country what would be our condition?
~~Experience has taught us that hazards of a reliance~~
~~already taught us~~. Of the course which would be
pursued by a Bank almost wholly owned by the
subjects of a foreign power, and ~~whose~~ managed by
those whose interests if not affections would run
in the same direction there can be no doubt.
all its operations within would be in aid of the
hostile fleets and armies without. Controlling our
currency, receiving our public monies and holding
thousands of our citizens in dependence, it would
be more formidable and dangerous than the
naval and military power of the ~~enemy~~.

5

out

this by the distribution of five millions in direct and indirect bribery, they would be, in dollars and cents, the immediate gainers of many millions more. And one triumph will be a triumph forever. The United States will be more effectually subjugated to ~~British~~ foreign domination than were the colonies before the Revolution. Our President and Congress, our Governors and Legislatures will become dependent and therefore the ~~the~~ mere creatures of the British agents who may be, for the time being, in the management of this institution; and if an effort be ever made to redeem the community from this monied tyranny, it will be the struggle of a desperate man whose vitals are wasted ~~consumed~~ by consumption, feeble and short.

If any foreign country —

~~In war with Great Britain, with a Bank owned by British Generals, Admirals and Statesmen, what would be our condition~~ Should the stock of the Bank principally pass into the hands of ~~British~~ subjects and we should unfortunately become involved in a war with that kingdom, what would be our condition?

Experience has taught us, that ~~in a war with that nation~~ some of our own capitalists are not ~~more likely to aid the enemy than our own Government~~ too ready to sustain our Government with the capital. Of the course which would be pursued by a Bank ~~in the hands of British Admirals,~~ almost wholly owned by the nobility and royalty of a hostile kingdom, and managed by those whose interests if not affections, would run in the same direction there can be no doubt. ~~that must be under the operation of this Renewed charter, there can be no doubt.~~

All its operations within would be in aid of the British fleets and armies without; controlling our currency, receiving our public monies, and holding thousands of our citizens in dependence, it would be more formidable and dangerous than all the naval and military power of the British empire. ~~It would be equivalent to an army of traitors, prepared to receive the public enemy and lead him in triumph through every avenue of our betrayed~~

~~country to save itself from annihilation~~
~~our Government would be compelled to make~~
~~peace with the enemy and the Bank, on~~
~~terms prescribed by themselves.~~

~~If~~ we must have a Bank with ~~with of~~
private stockholders, every consideration of
sound policy and every impulse of American
feeling, admonishes that it should be
purely American. Its stockholders should be composed
exclusively of our own citizens who at least ought to be
friendly to our Government and willing to support it
in times of difficulty and danger. So abundant is
domestic capital, that competition in subscribing for
the stock of local banks, has recently led almost
to riots. To a Bank exclusively of American
stockholders, possessing the powers and privileges granted
by this act, subscriptions for two hundred millions of
dollars could be readily obtained ~~in a day~~. Instead of sending ~~In this state~~
abroad the stock of the Bank in which the Government must deposit
~~of things, what apology have we for throwing into~~
its funds and on which it must rely to sustain its credit in times
~~foreign hands the stock of our institution on which~~
of emergency, it would rather seem to be expedient to prohibit its sale
~~our Government must rely for the safe keeping~~
to aliens under penalty of absolute forfeiture.
~~of its money and sustaining its credit in times~~
~~of emergency, for making our people tributary~~
~~to a foreign aristocracy, for endangering the~~
~~purity of our elections and for putting in~~
~~jeopardy our national independence? As well~~
~~might we put arms into the hands of known~~
~~traitors, and place the money chest of our~~
~~army in the keeping of a hostile chief.~~ So
far from granting exclusive privileges to the
foreign holders and purchasers of this stock,
all who wish to retain in our own country
the profits of our own business and industry, who
desire to preserve individual liberty and national
independence, ought to insist on a provision
prohibiting, under penalty of absolute forfeiture,
the transfer of a single share of the stock, directly

fut

or indirectly, to a foreigner. We might then expect to have a Bank, which, whatever domestic evils it might bring upon our people and their institutions, would not, under any circumstances, have an interest in humbling our Government at the foot of the British Throne.

Del

In the power given to foreigners to purchase and hold stock, therefore, and especially in their exemption from state taxation to which all domestic stockholders are to be liable, I find conclusive reasons why this act should not become a law.

There are powers, privileges and exemptions conferred by this act on the Bank of the United States, which in my opinion, are infringements of the rights of the states and palpably unconstitutional.

It is maintained by the advocates of the Bank that its constitutionality in all its features ought to be considered as settled by precedent and by the decision of the Supreme court. To this conclusion I cannot assent. Mere Precedent is a dangerous ~~weapon~~ source of authority. ~~It has enslaved mankind and been the cause of bloody revolutions.~~ It is thus the indolence of some and the ambition of others, ~~that~~ he has been enabled to domineer over the human race. When a doubtful question is presented to some men in authority, instead of ~~[illegible]~~ encountering the labor of investigating its bearings and deciding it upon principle, they merely ask what has been done before. If there be any thing in prior decision or former practice analogous to the power claimed, they make the concession and in indolent security repose under the shade of a predecessor's authority. Others whose ambition leads them to grasp at power, upon each recurrence of the same principle, purposely

and should not be regarded as deciding questions of constitutional power except where the acquiescence of the people and the ~~[illegible]~~ States can be considered as well settled.

enlarge its scope and silently creep into the vortex
of this insidious usurpation the rights of the
people and the just powers of coordinate public
functionaries. It is thus by the indolence of
some and the ambition of others, that precedent
creeps on step by step, grasping ~~this power on~~
one power after another
~~the right and that on the left~~, until ~~his~~ its
usurpations and oppressions become intolerable.

In A

In countries where the people have no voice
in the election of their rulers, they resort for
relief to insurrection and revolution; where
public opinion ~~operates~~ ~~influences~~ ~~makes~~ legislation ~~the laws~~ and controls
the Government, if sufficient virtue be left,
they resort to amendments of their constitution
or changes of their laws. Nothing but perpetual
vigilance and inflexible principle can thwart
this subtle enemy. He is never conquered nor
conciliated. Baffled at one point, he resorts to
another; detected and exposed, he puts on new
disguises; always awake, he is gently drawing
his chords around mankind as they sleep; driven
back with frowns, he returns in smiles; ever
active and never disconcerted, he is bold only
in maintaining a position from which he
knows he cannot be readily expelled.

To obviate the dangers of this enemy to liberty, ~~is~~
~~one of the chief objects of our Government. For~~
~~this end~~ To guard against that danger we have written constitutions, popular
elections and frequent changes of rulers. Through
these means the power of precedent is lessened,
and ~~his~~ its encroachments may be repelled. One
judge, one legislature, or one chief magistrate
is not bound by the opinions of another, but
each is sworn to support the constitution as
he understands it. I, therefore, in the
consideration of this topic, ~~reject altogether~~
~~the authority of precedent~~.

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they have on loan to her citizens about $3.200.000 and in domestic bills more than $2.000.000 more, collecting from them more than $300.000 per year in interest and discount. yet by this act, Kentucky is permitted to raise no tax from these ~~gigantic~~ operations which exhaust her currency and impoverish her people. In Ohio the Bank has on loan four and a half millions and more than half a million in domestic bills, taking from the State more than $200.000 annually in interest and discounts. Alabama can~~not~~ raise ~~a~~ no ~~dollar~~ revenue from the half million taken from her citizens through the Bank at Mobile and Missouri, Tennessee, Mississippi and Louisiana are in much the same condition. When nearly all the stock shall have passed into foreign hands under the operation of a system like that proposed in this act, all the States of the Union in which the principal and Branch Banks are located will find themselves in the situation of Alabama. Banking operations to the amount of seventy millions in debts and ninety millions annually in exchange carried on within their borders and under their jurisdiction will cease to afford any means for the support of their Governments while they will drain off the best currency of the country ~~and bind the people to a new dependence upon the British Isles~~. And should the sentiment which now begins to be promulgated that the Bank of the United States is the only constitutional bank in the Union, and that the State Banks are unconstitutional and ought to be annihilated, become the practical opinion of ~~the country~~ our public authorities, not a vestige will be left of the reserved right of the states to tax all banking carried on within their limits. ~~All will be swept away by the influence and power of this overshadowing and overwhelming institution~~.

B In— It cannot be 'necessary' to the character of the Bank as a fiscal agent of the Government, that its private business should be exempted from that taxation to which all the state Banks are liable, nor can I conceive it 'proper' that the substantive and most essential powers reserved by the states shall be thus attacked and annihilated as a means of executing the powers delegated to the General Government. It may be safely assumed, that none of those sages who ~~framed~~ had any agency in forming or adopting our constitution, ~~ever imagined~~ ~~the constitution ever thought~~, ~~and none of those who raised alarms in the state conventions to prevent its adoption~~, ever imagined, that any portion of the taxing power of the states, not prohibited to them nor delegated to congress, was to be swept away and annihilated as a means of executing certain powers delegated to congress.

Not being necessary to the efficiency of the Bank nor proper in its bearings upon the states, it must be considered as dangerously unconstitutional ~~Had such an idea of the use of means been entertained, Patrick Henry would have had~~ more associates in opposition and we should not now perhaps have been legislating under the authority of our happy constitution.

S. A As this curtailment of state power is neither 'necessary' nor 'proper' to sustain or aid the Bank in any duty wh is or may be required of it by the Government, I cannot but consider it as palpably and dangerously unconstitutional.

In the history of this institution, we find nothing which ~~ought to induce the statesman or the Patriot, the friend of liberty and state rights, to seek~~ gives it a claim to the renewal of its ~~exclusive~~ powers. Its power over the currency, whether beneficially exercised or not, is not one of the grounds on which its constitutionality has been affirmed by the supreme court. It may have induced some of the State Banks to resume specie payments after the conclusion of the last war more speedily than they otherwise would. To that result, in the natural progress of human affairs and under the influence of public opinion, they must have come at no distant day had this bank never been created, perhaps more tardily but just as surely. So far from producing specie payments in the west, in some cases it compelled banks which had resumed, again to stop; and it has been influential, no doubt unwillingly, in producing an unqualified paper currency from which the states are not yet wholly redeemed. In 1819, when the Bank was not yet three years old, ~~as deplorable~~ such had been its mismanagement, that so far from being able to afford aid to the Treasury, it required the whole power of the Executive Department to save it from ruin. For a considerable period it ~~paid~~ made no dividends ~~and for~~ or less than 5 per cent ~~since~~, a dividend less than 5 per cent, ~~and~~ during ~~this~~ which ~~whole period~~ time it was not only using a large public deposit but the Government was paying it an interest of five per cent ~~the Government was paying~~ ~~an interest of four per cent~~ ~~on~~ ~~[illegible]~~ on seven millions of stock ~~millions of stock~~ [illegible] The amount thus paid ~~to the Bank~~ more than received, was

while that institution was saving itself from entire Bankruptcy, by the free use of a public deposit amounting to about $ Thus, instead of aiding the Government in its operations, it was a tax upon the Treasury and required all the facilities which could be extended, to save it from the fatal effects of fraud, mismanagement and speculation in its own private concerns.

out A

Out A

1

Relieved from impending ruin by the aid of the Government, it began to establish its power throughout the states of this Union. By operating upon the necessities and hopes of men who want money to relieve them from pressing embarrassments or commence new speculations, it has induced almost every state to invite or tolerate the location of one or more branches within its borders. Thus there many important state rights have been annihilated and others are threatened ~~Like the~~ Like the bird, one after another, they have been enchanted into the jaws of the glossy serpent, and many of them are now beseeching that his life may be spared, lest, in the agonies of dissolution, he may instantly crush them to death instead of leisurely devouring them. Many important state rights have been annihilated and others are threatened. Maryland, Kentucky, Georgia, every state which has attempted to exercise its reserved taxing power upon the Banking operations of this institution within its limits, with whatever ## justice and moderation, have been baffled and defeated. Ohio, having collected the tax, had the humiliation of seeing the Bank, by the authority of the Federal court, enter her Treasury, take out the money and replace it in ~~her~~ its vaults. ~~To~~ establishing her supremacy over the states, authority x the provision of the constitution that no State shall be sued in the Federal courts, has been ~~virtually repealed~~ [illegible] rendered [illegible] by a construction that State officers, through whom alone the states [redacted] can deliberate, decide and act, may be held responsible in their private capacity for their official acts. The states may not be sued, but their officers may; the states may not be tied and restrained from action, but their officers, the hands and feet by which alone they can move and act, may. Thus have not only the constitutional power of the states to tax the banking business, but their constitutional exemption from suit,

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out

the principal means by which they expected to
protect themselves against Federal encroachment,
been annihilated in the progress of this bank, which
now asks us to sanction its abuses, legalize
its encroachments, and perpetuate its power.
Congress gave it power to purchase real property
in payment of debts, and it proceeded to dig canals
basins and build houses to rent or to sell.
Congress gave it power to deal in bullion, and
it proceeded to buy and sell the legal tender of
the Union. Without authority or the semblance
of authority it has given its money, which is in
part the money of the Government, to make
and to print and circulate public documents for other purposes favorable to the continuance of its
monopoly roads and canals. Congress refused to grant
the power to sign small notes by its branch
cashiers; and upon the ~~hazarded opinion of~~ purchased [illegible] authority on the
opinion of five eminent lawyers it has proceeded to flood
the country with a spurious currency of branch
drafts. Knowing that its corporate life was
approaching its termination, it has within the
last years, established new branches
increased its loans $ and added
$ to its circulation. ~~When~~ Now it is
compelled unable to spare a portion of the public deposit in payment of
~~satisfied that it was the purpose of the~~
the national debt without refusing to its customers those accommodations which
~~Government to pay off seven millions of the~~
the merchants require and producing embarrassment and distress among the
~~public debt on the 1st instant, it refused that~~
merchants. Under these circumstances the Bank comes
~~the public deposits could not be paid over~~
forward and asks a renewal of the charter for fifteen years upon
~~without inconvenience to its debtors and asked~~
conditions which will not only operate as a gratuity of many millions
~~a postponement of the payment to the first of~~
to its stockholders but will give sanction to its abuses and legalize its encroachments
~~October, to which the Government acceded upon~~
condition that the Bank shall pay the interest
itself. At the latest returns the public deposits
in the Bank were $ and on the 1st instant
not less than $. On the day
of last the whole amount of specie
on hand was $ and what it was

out

on the 1st instant, I have no means of ascertaining. So far from being able to aid the Government, if its emergencies required it, the Bank is not able with safety to itself & without distressing its debtors, to pay over a portion of the Government money which it has in keeping. It again requires the aid of Government to protect it from the disastrous effects of its own mismanagement in the establishment of new branches, the extension of its accommodation and the enlargement of its circulation.

~~In this situation~~ under these circumstances the Bank comes forward and asks a renewal of its charter for a term of fifteen years upon conditions which will ~~make it an [illegible]~~ not only operate as gratuity to the stockholders of ~~six or eight~~ many millions of dollars but will sanction its abuses and legalize its encroachments ~~and enable them to make many millions more by selling the stock to foreigners~~. Suspicions are entertained and charges are made of gross abuse and violation of its charter. A proposed investigation, though recommended by every consideration of legislative prudence and public duty, meets with opposition, and when it is conceded is so restricted in time as necessarily to make it incomplete and unsatisfactory. The result disclosed enough to excite suspicion and alarm. In the practices of the principal Bank, partially unveiled, in the evasion of important witnesses and in numerous charges confidently made, and, as yet, wholly uninvestigated, there is enough to make the friends of liberty and our institutions, and I should hope the friends of the Bank, now, while there is ample time before the expiration of the charter, demand a full inquiry into all its transactions. One would have thought, that the Bank itself, conscious of its purity and proud of its character, would have suspended its application and been most importunate that the investigation should have been renewed, extended to all its branches and continued during the recess of Congress. So far from resorting to a course which innocence would have advised, honor pointed out and prudence dictated, with eager importunity and indecent haste, it urges instant action upon the Legislature of the Nation. It would seem to be apprehended; that every moments delay was dangerous; that time, which is the revealer of truth, might disclose fearful abuses which are now concealed; and that the only safety to the Bank is to put an end to scrutiny and stifle complaint by the certificate of its purity and the weight of power which a renewed charter will furnish and confirm. These considerations make it more imperiously the duty of those sentinels whom the people have placed around the encampment of liberty carefully to guard every avenue of approach and more thoroughly to examine into the character and objects of those who ask admission. As the Bank charter has near four years to run, and a new charter is not necessary at this time to the successful prosecution of its business, there can be no injury to the Bank except what may spring from its own folly or misconduct, and certainly none to the interest of the Government and country, in awaiting, for one or two years longer, the development of truth and the confirmation or refutation of the serious charges which affect * the purity of the Bank and the character of its managers.

What influence and who is it, that has pushed this act through Congress at the present time, in its present form? The Bank is professedly established as an agent of the Executive Government, and its constitutionality is maintained on that ground. Has the executive been consulted as to the propriety of present action or the powers necessary to be given to its agent? No. The act has been framed and passed without its counsel or aid. It rejects and repels an agency as dangerous to the liberties and independence of the country. It neither needs nor wants the assistance of an corporation clothed with powers so commanding and privileges so valuable, all unnecessary to its public usefulness and gratuitously bestowed. It is another influence and another interest – the influence and interest of stockholders and stock-jobbers, of individuals interested directly or indirectly in the preservation and enlargement of the privileges secured, which has given this act its present form and hurried it thro Congress. It was not at the suggestion or for the benefit of the Government or people that it was denied the usual course of the most insignificant as well as the most important bills in its progress – that discussion was suppressed by impatient violence and the previous question – that all beneficial amendments were rejected – and that it was ushered forth the ~~monster~~ features of unjust monopoly aristocratic power and foreign influence, which I now see before me. And if in this moment, as the time and circumstances would seem to indicate, there has been any thing political in this movement; if the Bank, by asking extravagant favors on the eve of Congressional and Presidential elections, intended to signify to any public man or men, that they must either grant its request or prepare to feel its power, I hope there has been no

Amos Kendall's
Draft of Pres. veto
Message, ~~Aug~~ 1832
Jul. 10.

With excisns & correctns,
in the main, a final text.
But there are numerous
~~a~~ further excisns, & an
occasional substitutn of
a new ¶.

~~[illegible]~~ 76 - 91

~~Having considered~~ The act "to modify and continue the act
entitled "an act to incorporate the subscribers to the
was presented to me on the 4th of
Bank of the United States" ~~and come to the conclusion~~
July instant. Having considered it with that solemn regard to the principles of
the revolution which the day was calculated to inspire and come to the conclusion
that it ought not to become a law, I herewith, in

obedience to the constitution, return it to the Senate

in which it originated with my objections.

A Bank of the United States is in many respects

convenient for the government and useful to the people.

Entertaining these opinions and deeply impressed with the

belief that some of the powers and privileges possessed by the existing Bank
unauthorized by the constitution,
are ~~in many respects~~, subversive of the rights of the ~~and~~
~~and~~ and
states, dangerous to the liberties of the people. ~~and~~
~~of doubtful constitutionality~~; I felt it my duty, at an
~~[illegible]~~
early period of my administration, to call the attention of

Congress to the practicability of organizing an institution,

continuing all its advantages and obviating these objections.

I sincerely regret, that in the act before me I can

perceive none of those modifications of the Bank charter

which are necessary, in my opinion to make it com-

patible with justice, with sound policy or with the

~~Con~~stitution of my country.

The present corporate body denominated the President, Directors and Company of the Bank of the United States, will have existed, at the time this act is intended to take effect, twenty years. It enjoys an exclusive privilege of banking under the authority of the general government, a monopoly of its favor and support, and as a necessary consequence, almost a monopoly of the foreign and domestic exchange. The powers, privileges and favors bestowed upon it in ~~by~~ the original charter, by increasing ~~the~~ value of the stock far above its par value, operated ~~the value of the property vested in it as stock, at~~ as a gratuity of many millions to the stockholders. ~~least twenty five per cent. Every one hundred dollars paid in, became worth one hundred and twenty five; the twenty eight millions paid in by the private stockholders, became worth thirty five millions, and thus by an act of Congress, were seven millions of dollars added to the property of a few~~ ~~stockjobbers~~ ~~speculators and rich men.~~

An apology may be found for this ~~gross~~ result, ~~injustice of the eighty millions of dollars out of the whole community into the coffers of a few~~ ~~individuals~~ ~~rich men.~~ In the consideration that the ~~certain~~ effect of the original act of incor-

~~poration could~~ not be certainly foreseen at the time of its passage. ~~foreseen. It [illegible] to be [illegible] to the legislative powers of this government, at the time that this act [illegible] that~~

~~the effect of this act [illegible] to add at once~~

~~seven millions of dollars to the property of a few~~

~~hundred men already elevated in wealth far above the~~

~~common level of their fellow citizens.~~ The act before

me proposes, in effect, another gratuity ~~donation~~ to the holders of the

same stock, and in many cases to the same men,

of many ~~at least seven~~ millions more. This donation finds ~~can~~

no apology in any uncertainty as to the effect of the act. ~~It be made under the plea of ignorance.~~ On all

hands it is conceded, that ~~the~~ its passage ~~of this act~~

~~[illegible]~~ will ~~instantly~~ increase ~~add twenty five per cent more~~

at least twenty ~~five~~ or thirty per cent more, subject to

~~to~~ the market price of the stock, ~~adding in a~~

the payment of the annuity ~~[illegible]~~ of $200.000 per year

~~in a moment one fourth to the property far [illegible]~~

secured by the act, thus adding ~~in a moment~~ in a moment one fourth to

~~its stock in this institution. To the owner of one~~

~~its~~ its par value.

~~share, it is a donation of twenty five dollars; to~~

~~the holder of ten shares it is a donation of two hundred~~

~~and fifty dollars, to the holder of one hundred~~

~~shares, it is two thousand five hundred dollars, and~~

~~to the holder of a thousand shares, twenty five~~

~~thousand dollars.~~

~~The~~ ~~practice~~ expediency ~~of thus making the rich richer by act of legislation at the expense of the laboring [illegible] people~~, ~~is too palpable to be directly defended~~ ~~It is a~~ equivalent ~~gift in effect~~, out of the Treasury ~~of [illegible] millions of dollars more~~, ~~by act of Congress given the stockholders by name, giving to each his hundred, his thousands and his tens of thousands of the whole quantity~~. But ~~[illegible]~~, ~~we have it to the satisfaction of respecting~~, ~~that~~ It is not our own citizens only who are to receive the bounty of our government. ~~About~~ More than eight millions of the stock of this Bank are held by foreigners. ~~mostly British nobles and statesmen~~. By this act, the American Republic proposes virtually to make them a present ~~at the expense of [illegible] people~~, of some ~~two~~ millions of Dollars. ~~[illegible] His Majesty's [illegible] Knight Grand [illegible]~~ ~~to Sir William Keppel~~

~~$70,000~~ ~~of stock, it proposes to give $20,000; one of whom [illegible] [illegible]. and the Barings, Brothers & Co. [illegible] of $[illegible] of stock, it proposes [illegible] $102,000~~ [illegible] gratuities to some of our own rich citizens and foreigners, the act ~~[illegible]~~ receives no equivalent whatever. They are the certain gains ~~[illegible]~~ of the present stockholders under the operation of this act, after making full allowance for the payment of ~~the bonus~~ ~~[illegible] people~~ ~~[illegible] the stockholders~~

~~an equivalent whatever. If it were to become a law, it would instantly advance~~ ~~would instantly advance~~ ~~the stock more than twenty~~

2

~~five per cent, subject to the annuity of $200.000 required by the act ~~bill~~ under the name of a bonus. No deduction ought therefore to be made from the immense amount of the gratuity offered by the act, on account of the bonus.~~

Every monopoly and all exclusive privileges are granted at the expense of the people who ought to receive a fair equivalent. ~~Wealth cannot be made out of nothing, and~~ The many millions ~~which~~ this act proposes ~~thus indirectly~~ to bestow on the stockholders of the existing bank, must come, directly or indirectly, out of the earnings of the American people. It is due to them, therefore, ~~that~~ if their government sell monopolies and exclusive privileges, that they should at least exact for them as much as they ~~will bring~~ are worth in open market. The value of the monopoly in this case may be ~~correctly~~ easily ascertained. ~~by the aggregate market price of the stock above a par of [illegible] the renewal of the charter, added to the whole amount of the bonus. That the stock would be at an advance of fifty per cent, is not doubted.~~ The twenty eight millions of stock would probably be at an advance of fifty per cent and command in market at least forty two millions of dollars, subject to the payment of the bonus. The present ~~market~~ value of the monopoly, therefore, is seventeen millions of dollars; and this the act proposes to sell for three millions payable in fifteen annual instalments of $200.000 each. ~~Is the people in the management of their own affairs~~ ~~[illegible] [illegible] & [illegible] as their agents justified in selling~~ ~~their rights and privileges worth seventeen millions for~~ ~~the trifling sum of three millions~~.

It is not conceivable how the present stockholders can have any claim to the special favor of the government. One gratuity ~~of seven millions of dollars~~ certainly gives them no claim to another; and having enjoyed their monopoly during the period stipulated in the original contract, they ought now to pay for its renewal as much as would be given by other citizens for like privileges ~~for a new charter~~ or be content to see ~~it~~ them pass into other hands. ~~If a new~~ ~~corporation were created and secured for fifteen years~~ ~~in the monopoly, powers and privileges granted by~~ ~~this act to the existing bank, its stock would undoubtedly~~ ~~command in market $140 for $100 paid in as soon~~ ~~as it went into operation~~. If we must have such a ~~mono-~~ corporation ~~poly~~, why should not the government sell out the whole stock itself ~~and~~ thus secure to the people the ~~its~~ full market value of the privileges granted? Why should not Congress create and sell thirty ~~eight~~ four millions of stock, incorporating the purchasers, ~~with~~ with all ~~all~~ the powers and privileges secured in this act, and putting the premium upon the sales into the Treasury? ^ ~~It would scarcely sell for less than forty two millions,~~ ^ ~~accruing to the people at once~~ ~~bringing into the~~ ~~fourteen millions for the very rights and powers which this act sells for three, payable in fifteen annual instalments~~!

But this act does not permit competition in the purchase of this monopoly. It seems to be predicated on the erroneous idea, that the present stockholders have a prescriptive right, not only to the ~~favor~~ but to the bounty of government. It appears, that ^ more than ~~[illegible]~~ a fourth part of the stock is held by foreigners and ~~in this Bank 4140 stockholders. Of these 466 are~~ the residue is held by ~~[illegible]~~ a few hundreds of our ~~foreigners [illegible] [illegible] of the stock, 3674 are~~ own citizens, chiefly of the richest class. ~~resident stockholders, being in proportion to the whole population of the Republic as one to 3000 or thereabouts. Of the resident stockholders, 314 individuals own~~ ~~$17.482.200~~ ~~of the stock, being on an aver-age about~~ ~~$19.000~~ ~~each,~~ ~~leaving less than five millions~~ ~~in the hands of the middling classes of our society. Chiefly for the benefit of these 466 foreigners and 314 rich residents~~, ^ For their benefit, does this act exclude the whole American people from competition in the purchase of this monopoly

many
and sell it for ~~fourteen~~ millions less than it is
~~This [illegible] seems the less equitable~~ Virginia ~~[illegible]~~ some of our citizens,
worth. ~~This bargain~~ ~~with foreign [illegible] [illegible]~~
not now stockholders, ~~in this [illegible]~~, petitioned that the door of
~~capitalists is not to be justified on the ground that~~
competition might be opened, and offered to take a charter on
~~one of our citizens offered to take the monopoly~~
terms much more favorable to the government and country.
~~on better terms. A petition was presented to Congress~~
~~They asked an act of incorporation of the following description,~~
~~from respectable and responsible citizens, asking for this~~
~~[illegible] to themselves; [illegible]~~
~~monopoly on the following conditions, "with other reason-~~
~~able conditions as may seem meet." The capital to con-~~
~~sist of fifty millions of dollars, [illegible] [illegible] less than~~
~~half the whole amount to be subscribed by the~~
~~government. The subscription books to be open to~~
~~all the citizens, and if more than the capital be sub-~~
~~scribed, the stock to be apportioned equitably among~~
~~the subscribers, by commissioners appointed for that pur-~~
~~pose." They offered to pay into the Treasury a bonus~~
~~of one per cent per annum on the whole~~
~~amount of the stock and a tax to the states resp-~~
~~[illegible] per cent on the capital employed in the res-~~
~~[illegible] [illegible] [illegible]~~
~~pectively~~, and ~~[illegible] the [illegible] to take a [illegible]~~ rights,
~~powers and privileges, and be subject to the same restrictions~~
~~and liabilities as the present bank.~~
~~composed altogether of American citizens~~
~~Here was a proposal by responsible men to purchase~~

~~[illegible]~~

~~the monopoly are much better [illegible]. There are [illegible] this act. If the petition had been granted with a charter restricted to fifteen years and a~~ ~~private~~ ~~capital limited at twenty eight millions of dollars, it would have brought into the Treasury $[illegible] per year or $4.500.000~~ ~~in fifteen years~~ ~~instead of the $[illegible]~~ ~~proposed~~ ~~received by this act,~~ ~~and at the same time would have secured~~ ~~They offer also to pay to the state [illegible]~~ ~~$[illegible] per year,~~ ~~of one per cent [illegible], making, if added to the bonus, the sum of $9.600.000,~~ ~~offered~~ ~~supposed to be paid for the monopoly.~~ ~~Yet with these bonuses, the stock would have been worth more than par in the market, every argument~~ ~~the capacity of the petitioners~~ ~~drawn from the value of money, and the experience of the existing bank conclusively proves so that the purchasers of the monopoly on these terms would have [illegible] speculation of third~~ ~~[illegible]~~ ~~they would have [illegible]~~ ~~[illegible] of [illegible] millions of dollars.~~

~~But~~ But this proposition, ~~which is more favorable to the government and~~ ~~opening the field of competition to~~ ~~all our citizens,~~ although backed by the names of men whose aggregate wealth is believed to be equal to all the private stock in the existing bank, has been set aside and ~~for~~

the power of the government is proposed to be again bestowed ~~[illegible]~~ on ~~[illegible] of [illegible]~~ ~~the [illegible] of our government~~ ~~for [illegible] foreigners~~ ~~The [illegible] few who of our own citizens, who have~~ the few who have been fortunate enough to secure the stock and at this moment wield the power of the existing ~~this formidable~~ institution. I cannot perceive the justice or policy of this course. If ~~our government~~ must sell monopolies, it would seem to be its duty to take nothing less than their value in open market. But if gratuities ~~of millions upon millions~~ must be made once in fifteen or twenty years, let them not be bestowed on the subjects of other governments, ~~made to the [illegible]~~ ~~of foreign citizens~~, nor yet upon the same set of rich men in our own country. ~~The farmer, the~~ It is but justice and good policy, as far as the nature of the case will admit, to ~~let~~ ~~mechanic and the laborer, from the smallness of their~~ confine our favors to our own fellow citizens and let each in his turn profit by our bounty. ~~savings, and the capacity for constant industry to make~~ ~~The farmers, mechanics and laborers,~~ ~~themselves and families comfortable, are cut off from~~ ~~the smallness of their savings, and their constant industry and igno-~~ ~~all participation in these splendid speculations. We~~ ~~rance of trafficking rules, are necessarily excluded from all participation~~ ~~[illegible]~~ ~~in these splendid profits; [illegible]~~ ~~property twenty five per cent at the expense of~~ ~~justice, [illegible]~~ ~~[illegible] But if we must [illegible] donations~~ ~~[illegible] to profit by the~~ ~~to the [illegible], [illegible] politic to confine~~ ~~[illegible] that it is just to the people to [illegible]~~ ~~them to the same [illegible]. One set should be~~ ~~rich citizens and foreigners at their expense; that it is politic~~ ~~let in after another, that the millions, thus bestowed~~

~~to [illegible] be the risk [illegible] its early liquidation [illegible] may be [illegible] divided among [illegible] competition [illegible] the rate of this [illegible] [illegible] of it [illegible] be sold at all, it is due to the people that the act [illegible] offered should be accepted, & find~~ In the reasonings of the act before me upon these points, & find ample reasons why it should not become a law.

X The modifications of the existing charter proposed by this act, are not such in my view as make it consistent with the rights of the states or the liberties of the people. The multiplication of officers authorized to sign notes, is calculated to make the legal currency of the Bank less safe than it now is. The qualification of the right ~~power~~ of the Bank to hold real estate, the limitation of its power to establish branches and the power reserved to Congress to forbid the circulation of small notes, are concessions of little value or importance. All the objectionable principles of the existing ~~present~~ corporation and most of its odious features, are retained without alleviation.

The fourth section provides, "that the notes or ~~and~~ bills of the said corporation, although the same be, upon the faces thereof, respectively made payable at one place only, shall, nevertheless, be received by the said corporation at the bank, or at any of the offices of discount and deposit thereof, if tendered in liquidation or payment of any balance or balances due

× (See 3d sheet 3d page)

It has been urged as an argument in favor of rechartering
the present bank that the calling in of its loans will
produce great embarrassment and distress. The time allowed
and if it has been well ~~managed~~ its calls will be light,
to close its concerns is ample, ~~[illegible]~~ ~~if its loans have~~
and heavy only in case its ~~management~~ has been bad;
~~been [illegible] made there will be no difficulty or~~
If, therefore, it shall produce pressure and distress, the
~~distress in exacting these payments. But if any difficulty~~
fault will be its own, and it will furnish
~~have not been made to safe and [illegible] that~~

~~very fact is~~ an argument against renewing a power
which has been so obviously abused. But will there
ever be a time when this argument will be less
powerful? To ~~[illegible]~~ ~~admit its~~ acknowledge its force is to admit that
the Bank ought to be perpetual. ~~It is, therefore,~~ only those ~~[illegible]~~
~~rely~~
~~them~~ who have come to that conclusion, will
~~it or rely upon it.~~
~~from that argument~~
rely upon it or use it.

to said corporation or to each office of discount and deposit from any other incorporated bank." This provision secures to the state banks a legal privilege in the Bank of the United States which is withheld from all private citizens. If a state bank in Philadelphia owe the Bank of the United States and have notes issued by the St Louis Branch, it can pay the debt with those notes; but if a merchant, mechanic or other private citizen be in like circumstances, he cannot by law pay his debt with those notes, but must sell them at a discount or send them to St Louis to be cashed. This ~~[illegible]~~ boon conceded to the state banks, though not unjust in itself, is most odious, because it does not measure out equal justice to the high and the low, the rich and the poor. ~~It is in the nature of a privilege granted by a monarch to his nobles, which is withheld from the [illegible] and [illegible]~~ ~~[illegible]~~ ~~[illegible]~~ ~~[illegible]~~ ~~not think it necessary to [illegible]~~. To the extent of its practical effect, ~~this provision~~ it is a bond of ~~interest~~ union among the banking ~~[illegible]~~ establishments of the nation, erecting them into an interest separate from that of the people; and its necessary tendency is to unite the Bank of the United States, and the State Banks in any measure which may

4 be thought conducive to their common interest. ~~Letters publi~~ ~~or private, speaking of politics.~~

The ninth section of the act recognizes principles of ~~more~~ worse fatal tendency than any provision of the present charter. It enacts, that "the cashier of the Bank shall, annually, report to the Secretary of the Treasury the names of all stockholders who are not resident citizens of the United States; and, on ~~on~~ the application of the Treasurer of any state, shall make out and transmit to such Treasurer, a list of stockholders residing in or citizens, of such state, with the amount of stock owned by each."

Although this provision, taken in connexion with a decision of the Supreme Court, surrenders by its silence the right of the states to tax the banking institutions created by this corporation under the name of branches throughout the Union, (and leaves the question of their right to tax the stock open to litigation; yet,) it is evidently intended to be ~~[illegible]~~ construed as a concession of their right to tax that portion of the stock which may be held by their own citizens and residents. In this light, if the act becomes a law, it will be ~~[illegible]~~ understood by the states, who will proceed to levy a tax equal to that paid upon the stock of banks incorporated by themselves. In some states, that tax is now one per cent, and that may be assumed as the amount which all citizen and resident stockholders will be taxed under the operation of this act. As it is only the stock held in the states, and not that employed within them; which would be subject to taxation, and as the names of foreign stockholders are not to be reported to the treasurers of the states, it is obvious that they stock held by them will be exempt from this burden. Their annual profits, will, therefore, be one per cent more than those of the citizen stockholder; and as the annual dividends of the Bank may be safely estimated at seven per cent, the stock will be worth ten or fifteen per cent more to foreigners than to citizens of the United States.

To appreciate the effects which this state of things will produce, we must take a brief review of the operations and present condition of the Bank of the United States.

By documents submitted to Congress at the present session, it appears that on the 1st of January 1832, of the $28.000.000 of private stock in this corporation, $8.405.500 were held by foreigners, mostly in Great Britain. The amount held in the
~~$ in Maine,~~
~~nine of the nine western states~~
~~$ in New Hampshire,~~
~~$ in Vermont, $~~
western and southwestern states is $ in the
~~in Connecticut $~~
~~$ in Massachusetts, $~~
four southern states $ and in the middle and
~~in Rhode Island $~~
~~$ in New York, $~~
northern states $. The amount due the bank in
~~$ in New Jersey $ in Pennsylvania, $ in Delaware,~~
the nine western states is about $ in the
~~$ in Maryland, $ in the District of Columbia,~~
four southern states about $ and in the
~~$ in Virginia $ in North Carolina $~~
eleven middle and northern states about $. The profits
~~in South Carolina $ in Georgia, $ in Ohio,~~
of the bank in 1831 in the first section were about
~~$ in Kentucky, $ in Tennessee, $~~
$ in the second about $. and in the
~~Indiana $16 700 in Illinois, $ in Louisiana, $~~
third about $ ~~these details are~~

~~in Arkansas, $ in transit and $ in Missouri, Ala-~~
~~bama and Mississippi. The whole amount held by the citizens of the~~
~~nine western and southwestern states is $ and the~~
~~whole held by citizens of the northern states beyond the Potomac~~
~~amount is $~~ ~~while the amount held by citizens~~
~~of the middle and eastern states is $ The~~
~~whole debt due to the Bank of the United States is $~~
~~amount due at the branch banks in the western and~~
~~Of this, there is due at the branches in the nine western and~~
~~southwestern states the sum of $ and in the~~
~~The deposits of the Bank in~~
~~The amount due to the Bank~~
~~four southern states $~~
~~deposits $ Of this there and in the~~
~~branches in the nine western states $ in the~~
~~four southern states $ and $ in the~~
~~eleven middle and eastern states.~~

As little stock is held in the west or south, it is obvious, that
the debt of the people to the Bank in ~~that~~ those sections, is
a debt to the eastern and foreign stockholders; that the in-
terest they pay upon it, is carried to the eastern states
and to ~~England~~ Europe; and that it is a tax upon their in-
dustry and a drain of their currency which no
country can bear without perpetual inconvenience
and occasional distress. To meet this tax and equalize
the exchange operations of the Bank, the amount of specie
drawn from those states through its branches within
the two last years, as shown by its ~~[illegible]~~ official reports,

was about seven millions of Dollars, or ~~or $7,200,000,~~ ~~[illegible]~~ three and a half millions each year. ~~A large portion~~ More than half a million of this amount does not stop in the eastern states, but passes on to ~~Great Britain.~~ Europe, to pay the dividends of the foreign stockholders. ~~The amount required to pay the foreign stockholders their dividends is little short of $600,000 per year~~

In the principle of taxation recognized by this act, the southern and western states, ~~instead of~~ find no compensation for this Drain of their money. ~~perpetual tax on their industry and~~ [illegible] The ~~branch~~ bank at Mobile made last year a clear profit of $552,812; ~~The Mobile office [illegible] of [illegible] has been found money. yes,~~ so ~~profitable.~~ ~~that The branch there made a net profit last year of $552,812,~~ yet, under the provisions of this ~~bill~~ act, the state of Alabama ~~cannot~~ can raise ~~a dollar of~~ no revenue from ~~any~~ of these profitable operations, because not a share of the stock is held by any of her citizens ~~the money made within her borders and out of her citizens, instead of affording the least supply to her Treasury, all goes to enable~~ ~~citizens of~~ ~~the eastern states and the subjects of a foreign Monarch, to pay the~~ [illegible] ~~where they reside.~~ Mississippi and Missouri are in the same condition in relation to the branches at Natchez and St Louis, and such, in a greater or less degree, is the condition of every southern and western state. ~~[illegible] to the [illegible] system of~~

~~taxation [illegible] equal [illegible] justice, which does [illegible] tax the business, the dividends [illegible] the profits of the [illegible] banks located within their borders.~~

The ultimate effect of the plan of taxation which ~~this act~~ proposes, will be to place the whole United States in ~~the~~ same relation to foreign countries ~~Great Britain~~ which the western states now bear to the eastern. When by a tax on resident stockholders the stock of this Bank is made worth ten or fifteen per cent more to foreigners than it is to residents, ~~it will be the interest of~~ ~~many~~ it will inevitably leave the country ~~Americans stockholders to sell to foreigners. The stock will [illegible] flow into foreign hands, as water seeks its level. Every [illegible] in stock for gain, will immediately sell to [illegible] foreigners will be holders in this Bank, in [illegible] of British goods will buy it [illegible] [illegible] [illegible] it to England as the most gainful mode of making remittances, the purchase of stock for the purpose of selling to foreigners, will become a business with [illegible] and stockjobbers, it will be [illegible] [illegible] of our country [illegible] [illegible] [illegible] in a few [illegible]~~ enough will be left in the United States to qualify ~~[illegible]~~ twenty five American citizens for President and Directors.

Thus will this provision in its practical effect, deprive the eastern as well as the southern and western states of the means of raising a revenue from the extensive ~~[illegible]~~ business and great profits of this institution. 94

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will make the American people debtors to aliens ~~the nobility and gentry of Great Britain~~ in nearly the whole amount due to this Bank, and send across the Atlantic from two to four ~~three to five~~ millions of specie every year to pay the Bank dividends. ~~The tax on tea was but an atom to the globe, compared with the tax which this system would impose upon the people of these states, not for the support of their own government, not for the enrichment of our own citizens, but for the support and aggrandizement of the enemies of public liberty in the British Isles. By a system of stocks, the common people of that British Empire have been reduced to the lowest stage of poverty and wretchedness. To pay the stockholders of the government and moneyed corporations, they are taxed directly and indirectly, upon their food and their clothing, their light and their fire, their books and their tools, their travelling and their resting; upon all their necessaries, comforts and luxuries; until the pittance left out of the earnings of their labor is scarcely sufficient to afford them a miserable subsistence. That aristocracy, [illegible] by the throes of its admitted [illegible] now it cannot [illegible] longer expect support by draining the lifeblood of the British nation, now casts its eyes upon the [illegible] of young America, and is seeking to thrust its~~

~~back into the veins of our industry.~~ ~~Is it not only tolerates but invites their cupidity.~~ ~~If it were a supplying favour to be hindrance to to be their betters permitted to [illegible]~~ ~~and a public receipt to be drained of millions a year of our best money, we offer them a premium of entire exemption from taxation to the British rank of the nobility and gentry~~ ~~an inducement to the buying of the stock of this Bank.~~ ~~[illegible] [illegible] for their approving life of power to tax and to tithe to taxation their fellow subjects, we offer to make the American people their dependants and tributaries.~~ ~~We propose to make every [illegible] and obligation given to the Bank of the United States in all but their form, notes and obligations to the nobles and gentry of the British Empire.~~

~~There is another view of this subject, if possible more appalling still to the lovers of liberty and national independence.~~ In another of its bearings this provision is fraught with danger. Of the twenty five directors of this Bank, five are chosen by the government and twenty ~~five~~ by the citizen stockholders. From all voice in these elections the foreign stockholders are excluded by the charter. In proportion, therefore, as the stock is transferred to foreign holders, the extent of suffrage in the choice of directors is curtailed. Already is almost a third of the stock in foreign hands and not represented in elections. It is constantly passing out ~~[illegible]~~

of the country and this act will accelerate its departure.
~~[illegible] act will [illegible] nearly the whole [illegible] the [illegible].~~
The entire control of the institution would necessarily fall
~~It will be the interest of every [illegible] to sell, unless he~~
into the hands of the few ~~remaining~~ citizen stockholders,
~~have other means of their [illegible] of employment. [illegible]~~
and the ease with which the object could be accomplished
~~with which [illegible] [illegible] and would the whole~~
would be a temptation to designing men to secure that control
~~possession of this formidable institution, will afford the~~
in their own hands by monopolizing the ~~remaining~~ ~~[illegible]~~ stock. There
~~no inducement to return their stock. The whole stock~~
is danger that ~~the~~ a President and Directors would then be
~~left in the United States, will be held by the President~~
able to elect themselves from year to year, ~~that~~ and,
~~and Directors, who will elect themselves,~~ and without
responsibility or control, ~~they would~~ manage the whole concerns of
the Bank during the existence of its charter. It is easy to conceive, that ~~It is not~~
great evils to our country and its institutions might flow
~~to be supposed, that when they will retain [illegible] stock~~
from such a concentration of power in a few men irresponsible to
~~there will be sufficient [illegible] to [illegible] these powers,~~
the people.
~~and they would seek their chief [illegible] in connexions~~
~~the foreign stockholders, they~~
~~with their British friends, & fine, the President~~
~~and Directors of the Bank would become the mere~~
~~self-constituted agents of the British Aristocracy to collect their reve-~~
~~nues in America. Not in the shape of [illegible] and~~
~~tything men as in England, but under the name of~~
~~Branch Presidents, Directors, cashiers and clerks, will~~
~~[illegible] nobility and gentry of England, disseminate~~
~~their tax gatherers, throughout our Republic, to~~
~~collect their tribute and corrupt our people.~~

Is there no danger to our liberty and independence in a
which may become so thoroughly alien?
Bank ~~so thoroughly British~~? The President of the Bank has
told us, that most of the state banks exist by its for-
A trifling
bearance. ~~By a~~ ~~few~~ privilege is conceded to them in this act,
is
~~the tendency of which~~ to bind them to its interest by favor as
~~it purposes attempts~~
well as fear. Its power over men of business is not
Operating upon ~~through~~ some
less than over the state banks. ~~By~~ the fears of ~~its debtors~~
others, it
and the hopes of ~~those [illegible]~~, ~~it silences some~~
excites
and ~~[illegible]~~ ~~others to speak, it [illegible] over will the will~~
unseen
~~of thousands, and~~ pours its influence through all so-
Should this
ciety in innumerable ~~unseen~~ streams. ~~When~~ all
as it may under
power and influence becomes concentred, ~~as it certainly~~
~~will under~~ the operation of such an act as this, in
~~few~~ self [illegible] directory whose ~~affections~~ interests
~~large British agents~~, ~~will there not~~
the hands of a ~~few~~ those of foreign stockholders, will there not
are identified with the
be cause to tremble for the purity of our elections in
peace and the independence of our country in war?
Their power would be ~~very~~ great whenever they might
it ~~[illegible] with [illegible] opposition~~;
~~In times of peace~~, ~~When~~ their monopoly were regularly renewed
choose to exert it; but if once in fifteen or twenty years, ~~it can~~
~~when~~ it can, on terms proposed by them-
every fifteen or ~~twenty years~~ ~~[illegible] liberal government a gratuity~~
~~[illegible] from our~~ in peace put forth the strength
selves, they might seldom ~~[illegible]~~
~~of six or eight millions of dollars, [illegible]~~
to ~~control~~ influence elections or control the affairs of the
~~[illegible] for [illegible] its capital, it~~
private citizen or public functionary
nation. But if any ~~[illegible] except the [illegible]~~
~~[illegible] will not be felt~~ curtail its powers or prevent
should interpose to ~~[illegible]~~ ~~by the [illegible] of~~
~~of American industry~~ by
a renewal of its privileges, it cannot be doubted that

be would ~~made~~ to feel its power.

~~its lifeblood to support a foreign aristocracy. But let any man or set of men oppose its aspirations, and resist the periodical renewal of its monopoly; let any Congress, any President or any Statesman, seek to release his country from this new thraldom and write her second Declaration of Independence, it is not to be imagined, that those British capitalists who ravaged the barbarian nations and wrapt for gold the veins of Indian blood, will not quit their grasp upon the liberties of America without a fearful struggle. The dependent state banks will be ordered up to exert their power; debtors~~ will ~~would be warned that their safety depended on their future fidelity to the Bank; men of business~~ will ~~would learn that all their hopes of gain or favors depended on their zeal in the important crisis; the ambition, avarice of our Senate House~~ will ~~would be sounded through more channels than Philip~~ of Macedon ~~corrupted the Oracles of Athens, the streams of public intelligence~~ will be ~~would be corrupted poisoned in their fountains; by secret patronage and accommodation, the press~~ will ~~would be corrupted, and~~ the ~~an unsuspecting freeman, seeking for truth,~~ will ~~would find in his hands a contaminated sheet. If, as now, an interest of many millions should be in~~

~~placed in the renewal of the monopoly, and the managers of the Bank become less scrupulous and our public men less pure, a hundred thousand dollars may be given for a vote and a million for the signature of a President. Could they obtain the passage of such an act as this by the distribution of five millions in direct and indirect~~ ~~bribes~~ ~~corruption~~, ~~they would be, in dollars and cents, the immediate gainers of many millions more.~~ ~~And our triumph~~ will ~~would be a triumph forever. The United States~~ will ~~would be more effectually subjugated to British dominion than were the colonies before the revolution. Our President and Congress, our Governors and Legislatures,~~ will ~~would~~ ~~become~~ ~~be the~~ [illegible] ~~machines~~ ~~instruments of the British~~ [illegible] ~~might be, from that time,~~ ~~might be, the management of this institution, and if ever an~~ ~~effort~~ ~~attempt~~ ~~were made to release the country from this~~ [illegible] ~~tyranny, it~~ will ~~would be the~~ ~~struggle~~ ~~effort~~ ~~of a desperate~~ [illegible] ~~commenced by corruption, feeble and~~ [illegible]

~~Should we fortunately~~ [illegible] ~~with the~~ [illegible] ~~British~~ [illegible] ~~Bank~~ [illegible]

Should the stock of the Bank principally ~~flow~~ into the hands ~~of British Generally, Dividends~~ [illegible] of British subjects, and we should unfortunately become ~~enslaved by British agents,~~ [illegible] again involved in war with that kingdom, what would be our ~~condition? Experience has taught us that~~ [illegible] condition? Experience has taught us that in a war with that nation, some of our own capitalists are not too ready to sustain our ~~own~~ government with their capital. ~~more likely to aid the enemy than our own government.~~

Had a Bank existed during the last war, with stock owned entirely by American capitalists, it may be well doubted, whether it would not have been used to cripple the government and compel it to make a disgraceful peace.

Of the course which would be pursued by a Bank almost ~~as~~ wholly owned by the Generals, Admirals, nobility and gentry of a hostile ~~[illegible] British or [illegible] the open-~~ kingdom and managed by men whose ~~affections~~ interests if not ~~[illegible] of it~~ their ~~[illegible], there can be no doubt.~~ affections, would run in the same direction, there can be no doubt. All its operations within would be in aid of the ~~British~~ ~~fleets and armies and~~ ~~[illegible]~~ enemy without. Controlling our currency, ~~holding~~ receiving our public moneys and holding thousands of our citizens in dependence, it would be more formidable and dangerous than all the naval and military power of the British Empire. ~~It would be equivalent to an army of traitors, prepared to receive the public money and lead them in triumph through the [illegible] of [illegible] betray our country. To [illegible] itself from annihilation, our government would be compelled to make peace with the British and the Bank, on terms prescribed by themselves.~~

If we must have a Bank with private stockholders, every consideration of sound policy and every impulse of American feeling, admonishes that it should be purely American. Its stockholders should be composed exclusively of our own citizens, who, at least, ought to be friendly to our government and willing to support it in times of difficulty and danger. (We have no need to go abroad for capital to constitute a bank.) So abundant is domestic capital, that competition in subscribing for the stock of local banks, has recently led almost to riots. To a Bank exclusively of American stockholders, possessing the powers and privileges granted by this act, subscriptions for two hundred millions of Dollars could be obtained in a day. Instead of sending abroad the stock of the ~~by the sale of the~~ [illegible] Bank in which the government must ~~rely~~ deposit its funds ~~to foreigners the stock~~ ~~have we for~~ [illegible] and on which it must rely to sustain its credit in times of ~~our government~~ [illegible] ~~of an~~ [illegible] ~~the safe keeping of its money and~~ [illegible] ~~its credit in times of emergency~~ ~~for~~ [illegible] emergency, it would rather seem to be expedient to prohibit ~~to foreigners~~ [illegible] ~~but to people~~ [illegible] its sale to aliens under ~~sanctions~~, penalty of absolute forfeiture ~~the purity of our~~ [illegible] ~~unless~~ [illegible] ~~our national independence?~~ ~~It will~~ [illegible] ~~our~~ [illegible] ~~and place the~~ [illegible] ~~into the hands of~~ [illegible] ~~in the keeping of a hostile~~ ~~money chest of~~ [illegible] ~~Aid.~~ [illegible] ~~for granting exclusive privileges to~~ ~~the foreign holders and purchasers of this stock, all~~ ~~in our own country~~ ~~the profits of~~ ~~who wish to retain~~ ~~among ourselves~~ ~~our own~~ [illegible] ~~who desire the~~ [illegible] ~~individual~~ ~~liberty and national independence, ought to insist~~

~~or a provision prohibiting under penalty of absolute forfeiture, the transfer of a single share of the stock, directly or indirectly, to a foreigner of the right then except to have a Bank which, [illegible] domestic and, it might bring upon our people and their~~ institutions, ~~as, under any circumstances,~~ ~~would have an interest in humbling our government at the foot of the British throne.~~

~~In the power given to foreigners to purchase and hold stock, therefore, and especially in their exemption from state taxation to which all domestic stockholders are to be liable, I find conclusive reasons why this act should not become a law.~~

~~Numerous powers, privileges and exemptions conferred by this act on the Bank of the United States, which, in my opinion, are an usurpation of the rights of the states and palpably unconstitutional.~~

It is maintained by the advocates of the Bank, that ~~the~~ its constitutionality ~~of~~ in all its features ought to be considered as settled by precedent and by the decision of the Supreme Court. To this conclusion I cannot assent. Precedent is ~~the~~ ~~[illegible]~~ a dangerous usurper ~~that men grasped at for hidden power [illegible]~~. ~~He~~ The ~~[illegible] and~~ ~~began the career of bloody revolution.~~ ~~It is~~ ~~through~~ the indolence of some and the ambition of others, ~~that~~ he ~~this tyrant~~ has been enabled to domineer over the human race. When a doubtful question is presented to some men in authority, instead of encountering the labor of investigating its bearings and deciding it upon principle, they

merely ask what has been done before. If there be any
thing in prior decision or former practice analogous to
the power claimed, they make the concession, and in indolent
security repose under the shade of a predecessor's authority. Others
whose ambition leads them to grasp at power, upon each
recurrence of the same principle, purposely enlarge its scope
and ~~finally~~ silently sweep into the vortex of this insidious usurpa-
tion, the rights of the people and the just powers of coordinate
public functionaries. It is thus by the indolence of some and
the ambition of others, that Precedent creeps on, step by
step, grasping ~~the~~ one power after another ~~at the right and~~ ~~that on the~~
~~left~~, until his usurpations and oppressions become intolerable.
~~In despotic countries where the people have no voice~~ in
~~the selection of their rulers, they must look for relief to insur-~~
~~rection and revolution; in countries where public opinion~~
~~makes the laws and controls the government, if sufficient virtue be left, they must~~
~~[illegible] amendments of their constitution or change of their laws.~~
~~Nothing but perpetual vigilance and inflexible principle can~~
~~thwart this stealthy enemy. He is ever on foot and never con-~~
~~ciliated. Baffled at one point, he resorts to another; detected~~
~~and exposed, he puts on a new disguise; if put down, he~~
~~[illegible] while the people sleep;~~
~~[illegible] from, he returns with smiles [illegible]~~
~~and [illegible]~~
~~taining a position for [illegible]~~

~~readily expelled~~. To obviate these dangers ~~of this old enemy to liberty~~
it
is one of the chief objects of our government. For this end, we have
written constitutions, popular elections and frequent changes of
rulers. Through these means, the power of precedent is lessened
and its encroachments may be repelled. One judge, one legislator
in his official acts,
or one chief magistrate is not, bound by the opinions of another,
but each is sworn to support the constitution as he understands it.
I, therefore, in the consideration of this topic, reject altogether the
authority of precedent.

~~No ground is [illegible] because precedent is [illegible]~~ I
The argument against the Bank might be based on ~~[illegible]~~
~~[illegible] supported by the [illegible] ground [illegible]~~
precedent. One Congress in 1791 decided in favor of a Bank;
~~[illegible]~~ ~~of the United States~~ another in 1811 decided against it. One
Congress in 1815 decided against a Bank; another in 1816
decided in favor of it. Prior to the present Congress, there-
fore, the precedents drawn from that source, were equal. If we
resort to the states, the expressions of legislative, judicial
and executive opinions against the Bank, have been probably
to those in its favor as four to one. There is nothing in
if its authority were admitted,
precedent, therefore, which, ought to weigh ~~in the~~ in favor
of the act before me.

If the opinion of the Supreme Court covered the whole ground
of this act, it ought not to control the coordinate authorities
of this government. The Congress, the ~~President~~ Executive and the

Congress, must each for itself be guided by its own opinion of the constitution. Each public officer who takes an oath to support the constitution, means that he will support it as he understands it, and not as it is understood by others. It is as much the duty of the House of Representatives, of the Senate and of the President to decide upon the constitutionality of any bill or resolution which may be presented to them for passage or approval, as it is of the Supreme judges ~~Court~~ when it may be brought before them for judicial decision. The opinion of the judges has no more authority over Congress than the opinion of Congress has over the judges, and on that point the President is independent of both. ~~No member of Congress who votes for, and the President who approves, an act or resolution which he firmly believes to be in violation of the constitution merely because the Supreme Court has decided it to be constitutional, violates his oath and is faithless to his trust.~~ The authority of the Supreme Court, therefore, must not be permitted to control, Congress or the Executive ~~the legislative~~ ~~or executive functions of the~~ when acting in their legislative capacities. ~~government each of which is independent and must decide for himself~~

But in the case relied upon, the Supreme Court have not decided that all the features of this corporation are compatible with the constitution. They have only decided that ~~the establishment of~~ a bank is an appropriate means for carrying into effect the enumerated powers of the general government, ~~powers, delegated to Congress~~, that, therefore, the law incorporating it, is in accordance with that provision of the constitution which declares ~~delegates~~ that ~~they~~ Congress shall have power "to make all laws which shall be necessary and proper for carrying those powers into execution". ~~the~~ ~~powers~~ ~~delegated to the dele-gated powers.~~ ~~in that instrument~~. Having satisfied themselves, that the word "necessary" in the constitution, means "needful," "requisite," "essential," "conducive to," and that "a Bank "is a convenient, a useful and essential instrument in the prosecution of' the government's "fiscal operations," they conclude, that "to use one must be within the discretion of Congress," and that "the act to incorporate the Bank of the United States is a law made in pursuance of the constitution." "But," say they, "where the law is not prohibited and is really calculated to effect any of the objects entrusted to the government, to undertake here to inquire into the degree of its necessity, would be to pass the line which circumscribes the judicial department, and to tread on legislative ground."

The principle here affirmed is, that "the degree of its necessity", involving all the details of a banking institution, is a question exclusively for legislative consideration. A Bank is constitutional; but it is the province of the legislature to determine whether this or that particular power, privilege or exemption is "necessary and proper" to enable

~~the Bank~~ it to ~~[illegible]~~ discharge its duties to the government, and from their decision there is no appeal to the Courts of justice. According to ~~Under~~ the decision of the Supreme Court, therefore, it is the exclusive province of Congress and the President to decide whether the particular features of this act are "necessary and proper," and therefore constitutional; or unnecessary or improper, and therefore unconstitutional. Without calling in question the general principle affirmed by the Supreme Court, let us examine the details of this act in accordance with the rule of legislative action which they have laid down.

The original act of incorporation, section 21, enacts "that no other bank shall be established by any future law of the United States during the continuance of ~~the~~ the corporation hereby created, for which the faith of the United States is hereby pledged. *Provided*, Congress may renew existing charters for banks within the district of Columbia, not increasing the capital thereof, and may also establish any other banks or banks ~~[illegible]~~ in said district, with capitals not exceeding in ~~all~~ the whole, six millions of dollars, if they shall deem it expedient." This provision is continued in force by the act before me fifteen years from the 3d of March 1836.

If Congress possessed the power to establish one Bank, they had power to establish more than one, if, in their opinion, two or more banks had been 'necessary' to facilitate the execution of the powers delegated to them in the constitution. If they possessed the power to establish a second bank, it was a power derived from ~~granted by~~ the constitution, to be exercised from time to time, and at any time when ~~which~~ the interests of the country or the emergencies of the government might make it expedient. It was possessed by one Congress as well as another, and by all Congresses alike, and alike at every session. But the Congress of 1816, have taken it away from their successors for twenty years, and the Congress of 1832 proposes to abolish it for fifteen years more. It cannot be 'necessary' or 'proper' for Congress to barter away or divest themselves of, any of the powers vested in them by the constitution to be exercised for the public good. It is not 'necessary' to the efficiency of the Bank, nor is it 'proper' in relation to themselves and their successors. They may properly use the discretion vested in them; but they may not limit the discretion of their successors. This restriction on themselves and grant of a monopoly to the Bank is, therefore, unconstitutional.

In another point of view this provision ~~it~~ is an ~~palpable~~ attempt to amend the constitution by an act of legislation. The constitution declares, that "the Congress shall have power" - "to exercise exclusive legislation in all cases whatsoever" over the District of Columbia. Its constitutional power, therefore, to establish Banks in the District of Columbia and increase their

their capital at will, is unlimited and uncontrollable by any other power than that which gave authority to the constitution. Yet this act provides ~~declares~~, that Congress shall *not* increase the capital of existing banks nor create other banks with capitals exceeding in the whole six millions of Dollars. The constitution declares, that Congress *shall* have power to exercise exclusive legislation over this District '*in all cases whatsoever*', and this act declares they *shall not*. Which is 'the supreme law of the land'? This provision cannot be '*necessary*,' or '*proper*,' or ~~unless~~ *constitutional*, unless the absurdity be admitted, that whenever it be 'necessary and proper,' in the opinion of Congress, they have a right to barter away a portion of the powers vested in them by the constitution as a means of executing the rest.

~~On~~ two subjects only does the constitution recognize in Congress the power to grant exclusive privileges or monopolies. It declares, that "Congress shall have power to promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries." Out of this express delegation of power, have grown our laws of Patents and Copy Rights. As the constitution expressly delegates to Congress ~~grants~~ the power to grant exclusive privileges in these cases as *the means of executing* the substantive power "to promote the progress of science and useful arts," it is consistent with the fair rules of construction to conclude, that such a power was not intended to be granted as a means of accomplishing any other end. On every other subject which comes within the scope of Congressional power, there is an ever-living discretion in the use of proper means, which cannot be restricted or abolished ~~limited~~ without an amendment of the constitution. Every act of Congress, therefore, which attempts, by grants of monopolies or sale of exclusive privileges "for a limited time" or a time without limit, to restrict or extinguish its own discretion in the choice of means to execute its delegated powers, is ~~[illegible]~~ equivalent to a legislative amendment of the constitution and palpably unconstitutional.

This act authorizes and encourages transfers of its stock to foreigners and grants them an exemption from all state and national taxation. So far from being "necessary and proper", that the Bank should possess this power to making it a safe and efficient agent of the government in its fiscal concerns, it is calculated to convert the Bank of the United States into an ~~British Bank~~ alien institution, to impoverish our people in time of peace, to disseminate a foreign influence through every section of the republic, and in war to endanger our independence. This, therefore, is an unnecessary, improper and unconstitutional grant of power.

The several states reserved the power at the formation of the constitution to regulate and control titles and transfers of ~~land~~ ~~and other~~ real property, and most if not all of them, have laws disqualifying aliens ~~foreigners~~ from acquiring or holding lands within their limits. But this act, in disregard of the undoubted right of the states to prescribe such disqualifications, gives to aliens, stockholders in this bank, an interest and title, as members of this corporation, to ~~hold~~ the real property it may acquire, within any of the states of this union. This privilege, granted to ~~foreigners~~ aliens ~~is entirely subversive of the rights of the states~~, is not 'necessary' to enable the Bank to perform its public duties, ~~and~~ nor in any sense ~~not~~ 'proper,' ~~is therefore~~ because it is entirely subversive of the rights of the states, and is therefore doubly unconstitutional.

The government of the United States have no ~~power~~ constitutional right to purchase lands within the states except "for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings", and even for those objects, only "by the consent of the legislature of the state in which the same shall be". By making themselves stockholders in the Bank and granting to the corporation the power to purchase lands, for other purposes, they assume a power not granted in the constitution, and grant to others what they do not themselves possess. It is not 'necessary' to the receiving, safe-keeping or transmission of the funds of the government, that the Bank should possess this power, and it is not 'proper' that Congress should thus enlarge the powers delegated to them in the constitution. This feature of the act is, therefore, unconstitutional.

The old Bank of the United States possessed a capital of only eleven millions of Dollars which was found fully ~~competent~~ sufficient to enable it, with despatch and safety, to perform all the functions required of it by the government. The capital of the present bank is thirty five millions of Dollars, at least twenty four more than experience has proved to be 'necessary' to enable ~~it~~ a bank to perform its public functions. ~~This addition of capital was, therefore, made for other~~ The public debt which existed during the period of the old bank and ~~than legitimate purposes and is unconstitutional.~~ on the establishment of the new, has been nearly paid off, and our revenues will soon be reduced. This increase of capital, therefore, is not for public but for private purposes. ~~and unconstitutionally~~ The government is the only 'proper' judge where its agents should reside and keep their offices, because it best knows where their presence will be 'necessary'. It cannot, therefore, be 'necessary' or 'proper' to authorize the Bank to locate wherever she pleases, branches ~~branches where she pleases~~ to perform the public service, without consulting the government and contrary to its will. The principle laid down by the Supreme Court concedes, that Congress cannot establish a bank for purposes of private speculation and gain, but only as a means of executing the delegated powers of the general government. By the same principle, a branch bank cannot constitutionally be established for other than government purposes. The power which this act gives to establish two branches in any state, without the injunction or request of the government, and for other than public purposes, is not 'necessary' to the due execution of the powers delegated to Congress, and therefore unconstitutional.

The bonus which ~~the~~ is exacted from the Bank is a confession upon the face of the act, that the "powers granted by it are greater than are 'necessary' to its character of a fiscal agent. The government does not tax its officers and agents for the privilege of serving it. The bonus of a million and a half required by the original charter and that of three millions proposed in this act, are not exacted for the privilege of giving "the necessary facilities for transferring the public funds from place to place, within the United States or the territories thereof and for distributing the same in payment of the public creditors without charging commission or claiming allowance on account of the difference of exchange," as required in the act of incorporation, but for something more beneficial to ~~themselves~~ the stockholders. The original ~~act~~ charter declares, that it is ~~the~~ ~~bonus~~ ~~as granted~~ to be paid "in consideration of the exclusive privileges and benefits conferred by this act upon the said bank;" and the act before me declares, it ~~that~~ to be "in consideration of the exclusive benefits and privileges continued by this act to the said corporation for fifteen years as aforesaid." A bonus, ~~It is~~, therefore, is required in consideration of ~~for~~ exclusive privileges and benefits' conferred for their own use and emolument and not ~~for~~ the advantage of the government. ~~that a bonus is exacted.~~

// These surplus powers for which the Bank is required ~~willing~~ to pay, cannot surely be 'necessary' to make it the fiscal agent of the Treasury. If they were, the exaction of a bonus for them would not be 'proper'. ~~A large portion of~~ ~~All~~ the ~~is: it cannot be necessary. The~~ evidently ~~powers and privileges conferred by this act are, therefore, to the extent of the value of this bonus, not 'necessary' to the bank as an agent of the Treasury but conferred for the 'exclusive benefit' of the stockholders and are, therefore, unconstitutional.~~

If it be right to sell these "exclusive privileges and benefits," it is not 'necessary' nor 'proper' to take less for them than they are worth, or to select the stockholders ~~foreigners and citizens~~ of the present bank, foreigners and citizens, and bestow it upon them, not only ~~to the~~ excluding ~~of~~ all the rest of the community from competition but exacting ~~at~~ a less price than is offered by another set of men, all American citizens and equally competent to render the requisite services to the government.

It is not 'necessary' or 'proper' to bestow on these favored few, powers and privileges, not only to the value of the bonus which they pay, but so exceedingly beneficial as to enrich them at once, ~~seven or eight~~ many millions of dollars, ~~by~~ in the increased value of their stock. ~~by the additional value they will give to their stock.~~

x — ~~This act~~ By its silence, ~~considered~~ ~~taken~~ considered in connection with the decision of the Supreme Court in the case of McCulloch against the state of Maryland, this act takes from the states their power to tax a portion of the banking business carried on within their limits, in subversion of one of the strongest barriers

(x See sheet 10 page 2)

It is maintained by some, that the Bank is a means of executing the constitutional power "to coin money and regulate the value thereof." Congreſs have established a mint 'to coin money' and paſsed laws 'to regulate the value thereof." The money so coined with its value so regulated, with such foreign coins as Congreſs may adopt, are the only currency known to the constitution. But if they have other power to regulate the currency, it was conferred to be exercised by themselves and not to be transferred to a corporation. If the Bank be established for that purpose with a charter unalterable without its consent, Congreſs have ~~bartered away their power~~ parted with their power for a term of years, during which the constitution is a dead letter. It is neither 'neceſsary' nor 'proper' for Congreſs to ~~give it~~ transfer its legislative powers to a bank, ~~powers to a corporation~~, and therefore unconstitutional.

Pagis

10½ It is maintained by some that this Bank is a means of execu-
power "to coin
ting the "constitutional money and regulate the value thereof."
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other power to regulate the currency, and have delegated
If they have other power to regulate it and have delegated that
it to the Bank," they have, during its ~~corporate~~ ex-
power to the Bank, then have they parted with their own
istence, bartered away their legislative discretion and
constitutional powers and made the Bank ~~the~~ to that extent,"
transferred their constitutional powers to this corporation. It is
the lawgiver of the nation. ~~transfer~~ It cannot be 'necessary';
not perceived how this ~~provision~~ can be 'proper' ~~and~~ is
and certainly not 'proper' that Congress should barter away
it believed to be necessary.
its constitutional powers and

One of the principles upon which the [illegible] the Bank is assumed by congress grows out of the construction which implies from the granted power to coin money, authority to regulate the currency of the Country — In assuming this construction of power & transferring it to the Bank the ~~General~~ Government ~~[illegible]~~ of the United States ~~[illegible]~~ delegates to that of the ~~trust~~ Bank, a high trust which it is not to be supposed, ~~the the nation would [illegible]~~ ~~[illegible] for which~~ the constitution ever designed should ~~to be~~ ~~delegated~~ ~~[illegible]~~ transferred — and which the nation would not willingly see its representatives resign to those representing the Stockholders of the Bank — ~~But by~~ In giving this ~~power~~ trust to the Bank by an exclusive charter for 15 years, congress not only divests itself of the power it claims the constitutional right to exert, but robs itself of all authority to recall it for the term of the charter — ~~In~~ It is assumed that the charter cannot be repealed — However imperfectly then this high function confided to the Bank may be discharged, congress by the exclusive nature of this charter ~~[illegible]~~ denies itself the means of redressing the mischief by employing other agents ~~[illegible]~~ to ~~discharge~~ perform the duty ~~[illegible]~~ which under its own construction it owes to the public —

which secured them against ~~from~~ federal encroachment. Banking, like farming, manufacturing or any other occupation or profession, is a business, the right to follow which is not originally derived from the laws. Every citizen and any ~~[illegible]~~ company of citizens in all of our states, possessed the right, ~~to~~ until the state legislatures deemed it good policy to prohibit private banking by law. If the prohibitory state laws were now repealed, every citizen would again possess the right. ~~and might immediately commence the business~~. (Upon the same principle that some of the states tax tavern licences, public shows, billiard tables, gambling establishments &c. &c. might they tax private banks.) The state banks are a qualified restoration of the right which has been taken away by the laws against banking, guarded by such provisions and limitations, as, in the opinion of the state legislatures, the public interest requires. These corporations, unless there be an exemption in their charters, are, like private bankers and banking companies, subject to state taxation. The manner in which these taxes shall be laid, depends wholly on legislative discretion. It may be upon the banks, upon their stock, upon their profits, or in any other mode which the sovereign power may will.

Upon the formation of the constitution, the states guarded ~~[illegible]~~ their taxing power with peculiar jealousy. They surrendered it only as it regards ~~upon~~ imports and exports. In relation to every other object within their jurisdiction, whether persons, property, business ~~it was secured~~

or professions, it was reserved in as ample a manner as it was before possessed. All persons, though of United States officers, are liable to a poll tax by the states within which they reside; the lands of the United States are ~~liable~~ subject to the usual land tax, except in the new states from ~~[illegible]~~ whom ~~[illegible]~~ & ~~[illegible]~~ agreements that they will not tax unsold lands, are exacted when they are admitted into the Union; horses, wagons, any beasts or vehicles, tools or property, belonging to private citizens, though employed in the service of the United States, are subject to state taxation. Every private business, whether carried on by an officer of the general government or not, whether it be mixed with public concerns or not, even if it be carried on by the government of the United States itself, separately or in partnership, falls within the scope of the taxing power of the states. Nothing comes more fully within it ~~the scope of that power~~ than banks and the business of banking, by whomsoever instituted and carried on. Over this whole subject-matter, it is just as absolute, unlimited and uncontrollable as if the constitution had never been adopted, because, in the formation of that instrument, it was reserved without qualification.

The principle is conceded, that the states cannot rightfully tax the operations of the general government. They cannot tax the money of the government deposited in the state banks, nor the agency of those banks in remitting it;

but will ~~any one~~ it be maintained, that their mere relation to perform this public service for the general government nd exempt the state banks and their ordinary business from state taxation? Had the United States, instead of establishing a bank, employed a private banker in Philadelphia ~~Stephen Girard~~ to keep and transmit their funds, would it have deprived Pennsylvania of the right to tax his bank and his usual banking operations? ~~It~~ It will not be pretended. Upon what principle then are the banking establishments of the Bank of the United States and their usual banking operations to be exempted from state taxation? It is not their public agency or the deposits of the government which the states claim a right to tax, but their banks and banking powers, instituted and exercised within state jurisdiction for their private emolument; – those powers and privileges for which they pay a bonus and which the states tax in their own banks. The exercise of these powers within a state, no matter by whom or under what authority, whether by private citizens in their original right, by corporate bodies created by the states, by foreigners or the agents of foreign governments located within their limits, forms a legitimate object of state taxation. From this and like sources, ~~from~~ the persons, property business that are found residing, located or carried on under their ~~its~~ jurisdiction, must the states, ~~draw~~ since the surrender of their right to raise a revenue from imports and exports, draw all the moneys ~~revenues~~ necessary for the support of their governments and the maintenance of their independence. There is no more appropriate subject of taxation than banks, banking and bank stock, and none ~~[illegible]~~ ~~right~~ to which ~~the~~ the states ought more pertinaciously to cling. ~~that to~~

~~[illegible] at their own will~~

~~But this act destroys their right [illegible]~~ ~~removes from~~ .

/ In some states this act removes from the power of state taxation the whole banking business carried on within their borders. In Kentucky there are no banks doing business but the two branches of the United States Bank at Louisville and Lexington. They have on loan to her citizens about $3.700.000 and in domestic bills more than $2.000.000 more, collecting from them ~~more~~ about ~~than~~ $300.000 per year in interest and discounts ~~and~~ Yet, by this act, ~~the people~~ of Kentucky ~~is~~ is permitted to raise no tax from these gigantic operations which exhaust her currency and impoverish her people. In Ohio ~~also~~ the Bank has on loan ~~three~~ four

Veto Message on BUS Recharter -
10 July 1832

Kendall's draft
Slight alteratns in final text

R II 588-9

4th page of Sheet 11.

If our power over means is so absolute that the Supreme Court will not call in question the constitutionality of an act of Congress which "is not prohibited and is really calculated to effect any of the objects entrusted to the government", although, as in the case before me, it takes away powers expressly granted to Congress and rights scrupulously reserved to the states, it becomes us to proceed in our legislation with the utmost caution. Though not directly, our own powers and the rights of the states may be indirectly legislated away in the use of means to execute substantive powers. We may not enact that Congress shall not have the power of exclusive legislation over the District of Columbia, but we may pledge the faith of the United States that, as a means of executing other powers, it shall not be exercised for twenty years or forever. We may not pass an act prohibiting the states to tax the banking business carried on within their limits, but we may, as a means of executing our powers over other objects, place ~~it~~ that business in the hands of our agents, and then declare it exempt from state taxation in their hands. Thus may our own powers and the rights of the states which we cannot directly curtail or invade, be ~~expelled~~ frittered away and extinguished in the use of means employed by us to execute other powers.

That a Bank of the United States competent to all the duties which may be required ~~of sound & ...~~ by the government, may be so organized as ~~to~~ not to infringe on our own delegated powers or the reserved rights of the states, I do not entertain a doubt. Had the executive been called upon to furnish the project of such an institution, the duty would have been cheerfully performed. In the absence of such

a call, it is obviously proper that he should confine him-
self to pointing out those prominent ~~objection~~ features in the act presented, which, in his opinion, make it incompatible with the constitution and sound policy. A general discussion will now take place, eliciting new light and settling important principles; and a new Congress, elected in the midst of such discussion and furnishing an equal representation of the people according to the last census, will ~~bring~~ bear to the capital the verdict of public opinion, and, I doubt not, ~~will~~ bring this important question to a satisfactory result.

and a half millions and more than half a million in domestic
bills, taking from the state about ~~more than~~ $200.000 annually in
interest and discounts. Alabama can ~~cannot~~ raise no revenue ~~dollars~~ from
the half million taken from her citizens through the branch
at Mobile, and Missouri, Tennessee, Mississippi and Louisiana are in
much the same condition. ~~When~~ If nearly all the stock shall ~~have~~ shall passed
into foreign hands under the operation of a system like that
proposed in this act, all the states of the Union in which
~~the~~ principal and branch banks are located, will find them-
selves in the situation of Alabama. Banking operations to
the amount of seventy millions in debts ~~discounts~~ and ninety
millions annually in exchanges, ~~will be~~ carried on within their
borders and under their jurisdiction, will cease to afford any means for the support
of their governments, while they will drain off the best
currency of the country, ~~and hand off the people to a new dependence from the British Lobes~~. And should the
sentiment which now begins to be promulgated, that
the Bank of the United States is the only constitutional
bank in the Union and that the state banks are uncon-
stitutional and ought to be annihilated, ~~become~~ the
practical opinion of our public authorities ~~the country~~, not a vestige will
be left of the reserved right of the states to tax ~~[illegible]~~
all banking ~~carried~~ on within their limits! ~~All will be~~
~~[illegible]~~ It cannot be necessary, to ~~preserve~~ the character of the
Bank as a fiscal agent of the government, that its
private business should be exempted from that taxation

to which all the state banks are liable, nor can I conceive
it 'proper' that the substantive and most essential powers
reserved by the states, ~~should~~ shall be thus attacked and annihilated
as ~~the~~ a means of executing the powers delegated to the general
government. ¶ It may safely be assumed that none of those
who had an agency in forming or adopting our constitution
~~sages who framed the constitution ever thought, and none of~~
~~those who [illegible] [illegible] in the state conventions to prevent~~
~~its adoption~~, ever imagined, that any portion of the tax-
ing power of the states, not prohibited to them nor
delegated to Congress, was to be taken ~~swept~~ away ~~and annihi-~~
~~lated~~ as a means of executing certain powers delegated
to Congress. (Not being 'necessary' to the efficiency of the ~~Had not a [illegible] of the use of such a bank been~~
bank nor 'proper' in its bearing upon the states, it must be ~~Patrick Henry [illegible] have had more reason to~~
~~entertained~~, considered as dangerously unconstitutional.) ~~it was to have been~~
~~in opposition and we should not [illegible] [illegible] happy constitution.~~
~~legislating under the authority of our [illegible]~~
~~As the curtailment of state power is neither 'necessary'~~
~~nor 'proper' to [illegible] and the Bank in its [illegible]~~
~~duty which it may be required of it by the~~
~~government, I cannot but consider it highly and~~
~~palpably and dangerously unconstitutional.~~

In the history of this institution, we find nothing which ~~ought~~
gives it a claim ~~to~~ ~~to reduce the states [illegible] the patriot, the friend of liberty and~~
~~state rights, to ask~~ a renewal of its ~~gigantic~~ powers. ¶ Its power
over the currency, whether beneficially exercised or not, is not
one of the grounds on which its constitutionality has been

affirmed by the Supreme Court. It may have induced some of the state banks to resume specie payments, after the convulsions of the last war, more speedily than they otherwise would. To that result, in the natural progress of human affairs and under the influence of public opinion, they must have come at no distant day, had this bank never been created, perhaps more tardily but just as surely. ~~It~~ So far from producing specie payments in the West, in some cases it compelled banks which had resumed, again to stop; and it has been influential, no doubt unwillingly, in producing ~~an~~ an unqualified paper currency from which the states are not yet wholly redeemed. In 1819, when the Bank was yet not three years old, ~~a deplorable~~ such had been its mismanagement, that so far from ~~a third of~~ being able to afford aid to the Treasury, it required the whole power of the Executive Department to save it from ruin. ~~For~~ For a considerable period it made no dividends or less than five per cent, during ~~no dividend~~ ~~it paid~~ ~~no dividends and paid~~ which ~~the~~ it was not only enjoying a large public deposit but the ~~[illegible]~~ ~~of the whole period the~~ ~~less than five per cent.~~ government was paying to it an interest of five per cent on our seven millions of stock. ~~The amount thus paid~~

~~to the Bank was thus [illegible] [illegible] [illegible], while that institution was saving itself from entire bankruptcy by the [illegible] of a public deposit amounting to about [illegible], instead of aiding the government in its operations, it was a tax upon the Treasury and required all the facilities which could be extended, to save it from the~~

~~fatal effects of fraud, mismanagement and speculation in its own private concerns~~ Retrieved from impending ruin by the aid of the government, it began to establish its power throughout the states of this union. By operating upon the necessities and hopes of men who want money to relieve them from pressing embarrassments or commence new ~~speculations~~ operations, it has induced almost every state to invite or tolerate the location of one or more branches within its borders. Through these, ~~many~~ important ~~Like the sea-serpent band, one after another,~~ state rights have been annihilated and others are threatened ~~they have been swallowed into the jaws of the glossy serpent, and many of them are now beseeching that his life may be spared, but in the agonies of dissolution he may squeeze itself the to death instead of kindly devouring them. Many important state The rights of rights have the states have been annihilated and others are now threatened.~~

Maryland, Kentucky, ~~Georgia~~ and every state which has attempted to exercise its reserved taxing power upon the banking operations of this institution carried on within ~~within~~ its ~~state~~ limits, with ~~state~~ even ~~of~~ justice and moderation, have been baffled and defeated. Ohio having collected a ~~the~~ tax, ~~and placed it in her Treasury~~, had the humiliation of seeing the Bank, by the authority of the federal court, enter her Treasury, take out the money and replace it in her vaults. In establishing her supremacy over the states authorities, the provision of the constitution that no state shall be sued in the federal courts has been rendered useless ~~virtually repealed~~ by a construction that state officers, ~~may~~ through whom ~~be~~ ~~made~~ alone, the states can deliberate, decide and act, may be held responsible in their private capacity for their official acts. ~~The states, if not be sued, but their officers may; the states may not be tied and restrained from action, the their~~ ~~but their~~ ~~officers, the hands and feet by which alone they can move and act, may. They hazard only the constitutional power of the states to tax the banking business, but their constitutional exemption from suits, the principal means by which they expected to protect themselves from federal encroachment, have been annihilated in the progress of this bank, which now asks us to sanction its abuses, legalize its encroachments and perpetuate its power.~~ Congress gave it power to purchase real property in payment of debts, and it ~~proceeded to dig~~ canal basins and build houses to rent or to sell. Congress gave it power to deal in bullion, and it proceeded to buy and sell the legal tender of the Union. Without authority or the semblance of authority, it has given its money, which is in part the money of the government, to make ~~roads and canals~~ and to print and circulate public documents and other papers favorable to the continuance of its monopoly. Congress refused to grant the power to sign small notes by its branch cashiers, and upon ~~the precedent~~ no other authority than the opinion of a few eminent lawyers, it has proceeded to flood the country with a spurious currency of branch drafts. Knowing that its ~~charter~~ corporate life was approaching its termination, it has within the ~~four~~ last years established new branches, increased its loans $ and added $ to its circulation. ~~When~~ Now, it is confessedly unable to spare a portion of the public deposits in ~~[illegible] that it can [illegible] the purpose of the debt~~ repayment of the national debt without refusing to its customers ~~[illegible] millions of the public debt [illegible] without,~~ ~~the public deposits [illegible]~~ ~~It is [illegible] that it would [illegible]~~ those accommodations which their necessities require ~~without [illegible]~~ and producing ~~[illegible] and [illegible] the payment to be suspended to~~ embarrassment ~~and distress~~ and distress among the merchants.

~~the first of October, to which the government needed [illegible]~~ ~~[illegible]~~ ~~repayment of the Bank to pay the interest itself. [illegible]~~

Under these circumstances the Bank comes forward and asks ~~[illegible] the public deposits in the Bank [illegible]~~ a renewal of its charter for fifteen years, upon conditions which ~~[illegible] the first instalment [illegible]~~ will not only operate as a gratuity of many millions (to its stockholders) but will sanction its abuses and legalize its encroachments. ~~[illegible] and what [illegible] the [illegible]~~

~~have no means of ascertaining. So far from being able to aid the government, if its own [illegible] required it, the Bank is not able in safety to itself without distressing its debtors, to pay one portion of the government money which it has in keeping. It has so extended its business and loans, that it again requires the aid of government to protect it from the disastrous effects of the effects of its own mismanagement in the establishment of new branches, and the extension of its accommodations and the enlargement of its circulation.~~

~~In this condition the Bank comes forward and asks a renewal of its charter for a term of fifteen years upon conditions which will make it an instant gratuity to the stockholders of seven or eight millions of dollars, and enable them to make many millions more by selling~~

~~[illegible] sold to foreigners~~. Suspicions are entertained and charges are made of gross abuse and violation of its charter. ~~[illegible] management of the Bank. To a proposed~~ An investigation, ~~though~~ unwillingly ~~[illegible] Bank at first opposes itself, and then it~~ conceded ~~[illegible]~~ and ~~[illegible] by every consideration of legislative prudence and public duty, meets with opposition, and then it is conceded,~~ ~~is~~ so restricted in time as necessarily to make it ~~a partial~~ incomplete and unsatisfactory, ~~The result~~ disclosed enough to excite suspicion and alarm. In the practices of the principal bank partially unveiled, in the absence ~~[illegible]~~ of important witnesses, and in numerous charges confidently made and as yet wholly uninvestigated, there was enough to induce a majority of the committee ~~[illegible]~~ of investigation, a committee which was selected ~~[illegible]~~ from the most able and honorable members of the House ~~[illegible]~~ of Representatives, to recommend a suspension of further action ~~[illegible] of the charter [illegible]~~ upon the bill and a prosecution of the inquiry ~~[illegible]~~. As the charter had yet four years to run and as a renewal now ~~[illegible]~~ was not necessary to the successful prosecution of its business, it was to have been expected that the bank itself, conscious of its purity and proud of its character, would have withdrawn its application for the present ~~[illegible]~~ and demanded the severest scrutiny into all its transactions ~~[illegible]~~. In their declining to do so, there ~~[illegible]~~ seems to be an additional reason why the functionaries of the government should proceed with less haste and more ~~[illegible]~~ caution in the renewal of their monopoly.

The Bank is professedly established as an agent of the executive
~~in almost haste. It urges instant action from the legislature of the~~
government, and its constitutionality is maintained on that ground.
~~nation. It would seem to be apprehended that~~ [illegible]
Neither upon the propriety of present action nor upon the provisions
~~delay~~ [illegible] ~~dangerous~~ [illegible]
of this act, was the executive consulted. It has had no opportunity
[illegible]
to say, that it neither needs nor wants an agent
~~that the only safety to the Bank~~ [illegible]
clothed with such powers and favored by such exemptions.
[illegible] ~~by the certificate of its~~
There is nothing in its legitimate ~~the~~ functions which makes it
[illegible]
'necessary,' or 'proper.' Whatever interest or influence, whether public
[illegible]
or private, has given birth to this act, it cannot be found
[illegible] ~~more imperatively the duty~~ [illegible]
either in the wishes or necessities of the Executive Department, by
[illegible]
which present action is deemed premature, and the powers con-
[illegible]
ferred upon its agents not only unnecessary, but dangerous to
[illegible]
the government and country. If in this movement, as the time
[illegible]
and circumstances seem to indicate, there has been any thing political;
[illegible]
if the Bank, by asking extravagant favors upon the eve
[illegible]
of the Congressional and Presidential elections, intended
[illegible]
to signify to any man or men, that they must grant its
[illegible]
petition or encounter its power, I hope there has been on
[illegible]
all sides enough of purity and firmness to resist the appeal.
[illegible]

[illegible]

[illegible]

~~purity of the Bank~~ [illegible]

~~What influence~~ [illegible]

It is to be regretted, that the rich and powerful too often bend the acts of government to their selfish purposes? Distinctions in society will always exist under every just government. ~~Perfect~~ Equality of talents, of education or of wealth, cannot be produced by human institutions. In the full enjoyment of the gifts of Heaven and the fruits of superior industry, economy and virtue, every man is entitled to protection by law. But when the laws undertake to add to these natural and just advantages, artificial distinctions, to grant titles, gratuities and exclusive privileges, to make the rich richer and the potent more powerful, the more humble members of society, the farmers, mechanics and laborers, who have neither the time nor the means of securing like favors to themselves, have a right to complain of the injustice of their government. There are no necessary evils in government. ~~All its~~ ~~[illegible]~~ ~~unnecessary~~. Its evils exist only in its abuses. If it would confine itself to equal protection, and as Heaven does its rains, shower its favors alike on the high and the low, the rich and the poor, it would be an unqualified blessing. In the act before me, there seems to be a ~~is~~ ~~so~~ wide and so unnecessary a departure ~~[illegible]~~ from these just principles. ~~[illegible]~~ ~~[illegible]~~ ~~the [illegible] of the [illegible] it [illegible]~~

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~~and establishes an American nobility is all but the same;~~ ~~that in justice to the principles of our institutions, and the equal rights of our people, it ought not to become a law.~~

Nor is our government to be maintained ~~or~~ or our union preserved by ~~such palpable~~ invasions of the rights and powers of the several states. ~~[illegible] perpetuate~~. In attempting to make our general government strong, we make it ~~it becomes~~ weak. Its true strength consists in leaving individuals and states, as much as possible, to themselves — in making itself felt, not in its power but in its beneficence, not in its control but in its protection, not in binding the states more closely to the centre but leaving each to move unobstructed in its natural orbit.

We may read a lesson in ~~[illegible] mighty and~~ the economy of the universe which is not unworthy of remembrance ~~[illegible] of the planetary orbs of our solar system [illegible]~~ in the adjustment of our federal relations. ~~[illegible]~~ The planetary orbs of our solar system, gently restrained by ~~the~~ a pervading law, move on ~~[illegible] in its glorious career~~ without interference with their ~~its~~ neighboring orbs, and thoughtless of the government which directs their ~~its~~ motions and maintains their ~~its~~ existence. But should it be conceived ~~that~~ ~~[illegible]~~ nature ~~[illegible]~~ it is "necessary and proper" in the government ~~[illegible]~~ them out of their orbits and bring them nearer to the sun in violation of nature's ~~of the~~ constitution, ~~[illegible]~~ they would break ~~[illegible]~~ from the ~~[illegible]~~ restraint ~~[illegible]~~ and the whole system ~~[illegible]~~ be thrown into disunion and chaos.

~~[illegible]~~

threatens to shake the foundations of our union.

It is time to pause in our career, to review our principles, and if possible revive that devoted patriotism and spirit of compromise ~~[illegible]~~ which distinguished the sages of the revolution and the fathers of our ~~[illegible]~~ union. If we cannot at once, in justice to interests ~~vested under~~ our bad ~~[illegible]~~ legislation, ~~[illegible]~~ make our government what it ought ~~[illegible]~~ to be, we can at least ~~[illegible]~~ take a stand against all new grants ~~[illegible]~~ of monopolies and ~~exclusive privileges~~ ~~[illegible]~~ the further prostitution of our government to the advancement of the few at the expense of the many, ~~[illegible]~~ and in favor of compromise and gradual ~~[illegible]~~ reform in our code of laws and system of political economy. ~~[illegible]~~

I have now done my duty to my country. If sustained by my ~~[illegible]~~ fellow citizens, I shall be grateful and happy; if not, I shall find in the ~~[illegible]~~ motives which impel me ample grounds for contentment and peace. In the ~~[illegible]~~ difficulties which surround us and the dangers which seem to impend over ~~[illegible]~~ our institutions, there is cause for neither dismay nor alarm. For ~~It has pleased Heaven [illegible]~~ relief and deliverance, let us firmly rely on that kind Providence ~~[illegible]~~ which, I am sure, watches with peculiar care over the Destinies ~~[illegible]~~ of our Republic, and on the intelligence and wisdom of our countrymen. ~~[illegible]~~ Through His abundant goodness and their patriotic devotion, ~~[illegible]~~ our liberty and union will be preserved. ~~[illegible] danger, its hopes and its fears, [illegible]~~

~~[illegible]~~

~~[illegible]~~

~~[illegible] and simplicity; [illegible]~~

~~to hold out a bright example to [illegible]~~

~~[illegible] of the nation, to freedom, [illegible]~~

~~his giant [illegible] [illegible] asunder and they~~
~~their lofty flight, they would [illegible] his [illegible] asunder, [illegible]~~
~~point at other and~~ and ~~[illegible] wildly [illegible] of the [illegible]~~

~~There is something of the same natural principles in the institutions~~
~~which regulate and bind together these independent states. Subject to one pervading law, each has its peculiar interests~~
~~which are controlled by laws of its own. While they are kept asunder, [illegible] [illegible] [illegible] [illegible] these interests and no jarring~~
~~in its constitutional orbit, there is no conflict among [illegible] the States into a closer union; by~~
~~in the action of the system. But by forcing [illegible] of their citizens [illegible] with their peculiar local interests~~
~~taking from them reserved rights and interfering [illegible] fatal to the happiness of the~~
~~by general laws, we create discord and jealousies, [illegible] the general government leave~~
~~people and dangerous to the existence of the union. Let the general [illegible] citizens to themselves;~~
~~the local concerns of the states and the avocations [illegible] that is [illegible] rather than assume one~~
~~rather refrain from the exercise of an undoubted power [illegible] collect no more~~
~~that is doubtful; make it wealthy and happy; than is necessary to keep it in a vigo-~~
~~taxes or duties than is necessary to keep it in a vigorous~~
~~motion. This security to our liberty and [illegible] the perpetual~~
~~union.~~

~~Let~~ Experience should teach us wisdom. All the difficulties ~~By the~~
~~But these plain principles are yet to be adopted~~
our government now encounters, and all the dangers
~~principles of legislation introduced~~
which impend over our union, have sprung from
an ~~departure~~ abandonment of the legitimate objects of
government by our national legislation and the
adoption of the principles embodied in this act. Our
rich men have not been content with equal protec-
tion and equal benefits, but have besought us to
make them richer by acts of Congress. ~~[illegible]~~ By attempting
to gratify their desires, we have, in the results of our legisla-
tion, ~~attempted to do, with the prof. equality and impartial~~
~~of [illegible]~~ ~~have~~ arrayed section against section,
~~state against state~~, interest against interest, and
man against man, in a fearful commotion which

Bus.
Veto Message, July 10, 1832

Hand of Donelson

Considerably abridged
+ revised, in final text

~~R. II. 576-7~~

By a statement received from the Bank of the U. States dated 17 January last (See Sen. Doc. No. 31.) the number of Foreign Stockholders in that Institution on the 1st. Jan. 1832. was 475 holding 84.055. Shares - By a similar statement the number of domestic Stockholders on the same day was 3702, holding 195.620 shares - of which

498-	~~shares~~ were owned in	Maine
27	"	Vermont
351.	"	N. Hampshire
11.175	"	Massachusetts
1.539	"	Connecticut
1.218	"	R. Island
35.881	"	N. York
2.787	"	N. Jersey
51.028	"	Pennsylvania
1.531	"	Delaware
32.235	"	Maryland
2.725	"	Dt. Columbia
11.617	"	Virginia
2.391	"	N. Carolina
40.222	"	S. Carolina
1.981	"	Georgia
[illegible]	"	Ohio
252	"	Kentucky
258	"	Tennessee
50	"	Indiana
167	"	Illinois
119	"	Louisiana
42	"	Arkansas
195.620.		

The whole debt due from Individuals & State Banks to the

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Bank of the U. States at specified dates in the months of November & Decr. 1831 – was – $ 70.349.951.61.

of this sum there was payable at the Offices in the 9 western & Southwestern states the following sums viz. –

At Mobile	$ 1.747.547.76
" N. Orleans —	9.377.553.40
" Natchez —	1.807.433.30
" St. Louis —	651.041.40
" Nashville —	4.281.551.60
" Louisville —	3.705.299.30
" Lexington —	2.124.503.83
" Cincinnati	5.309.492.80
At the Agency at Chillicothe —	168.456.84.
	29.172.880.23.

And payable at the Offices in the 4 southern states the following sums – viz. –

At Richmond	$ 1.860.245.94
" Norfolk —	986.468.40
" Fayetteville —	838.814.97
" Charleston	3.808.827.85
" Savannah —	1.371.009.12
	$ 8.865.366.28.

It appears by a statement received from the Bank of the U States dated the 3rd. instant – that there was on deposite in the Bank and its Branches ~~to~~ the credit of the Treasurer of the U States, at specified dates in the months of June last, the sum of $ 9.568.123.67 – and that the specie on hand at the same dates amounted to the sum of $ 7.519.083.79.

Veto Bank bill

C. Jul 10 - 1832 Page

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To the Senate

I received on the 4th instant the bill entitled "an act to modify and continue the act entitled "an act to incorporate the subscribers to the Bank of the United States". In connection with the associations inspired by a review of the great principles which were proclaimed by our Fathers on that sacred day I have considered this act; and having come to the conclusion that its paſsage into a law would prove dangerous to some of those principles, I herewith return it to the Senate in which it originated with the reasons which induce me to withhold my signature from it.

A Bank of the United States is in many respects convenient for the Government and useful to the people. Entertaining this opinion and deeply impreſsed with the belief that some of the powers and privileges poſseſsed by the existing Bank are subversive of the

(rights)

rights of the states, and dangerous to the liberties of the people, and of doubtful constitutionality, I felt it my duty at an early period of my administration to call the attention of Congress to the practicability of organizing an institution combining all its advantages and obviating these objections. I sincerely regret that in the act before me I can perceive none of those modifications of the Bank charter which are necessary, in my opinion, to make it compatible with sound policy, with justice, or with the constitution of our country.

The present corporate body denominated the President, Directors, and company of the Bank of the United States, will have existed, at the time this act is intended to take effect, twenty years. It enjoys an exclusive privilege of Banking under the authority of the General Government, a monopoly of its favor and support, and as a necessary

(con,

consequence almost a monopoly of the foreign and domestic exchange. The powers, privileges and favors bestowed upon it by the original charter increased the value of the stock at least twenty five per cent. Every one hundred dollars paid in became worth one hundred and twenty five: the twenty eight millions paid in by the private stockholders, became worth thirty five millions; and thus by an act of Congress was seven millions of dollars added to the property of a few stockjobbers and rich men.

An apology may be found for the injustice of thus legislating millions of dollars out of the whole community into the coffers of a few individuals, in the consideration that the effect of the original act of incorporation could not be certainly foreseen at the time of its passage. The act before me proposes another donation to the holders of the same stock and in many cases to the

same

same men of at least seven millions more. This donation finds no apology in any uncertainty as to the effect of the act. On all hands it is conceded that its paſsage will increase at least twenty five per cent more the market price of the stock, subject to the payment of the annuity of $200.000 secured by the act, adding in a moment one fourth to its par value. To the holder of ten shares it is a donation of two hundred and fifty dollars; to the holder of one hundred shares it gives two thousand five hundred dollars: and to the holder of a thousand shares twenty five thousand dollars. The injustice of thus making the rich richer, by an act of Legislation, at the expense of the whole American people, is too palpable to be directly defended. It is equivalent in effect to the grant of millions of dollars out of the Treasury by act of Congreſs to these stockholders by name, aſsigning to each his hundreds, his thousands,

and

and his tens of thousands of the national gratuity.

It is not our own citizens only who are to receive the bounty of our Government. More than Eight millions of the stock of this Bank are held by Foreigners. By this act, the American republic proposes virtually to make them a present at the expense of our own people of two millions of dollars. To "Sir Wm Keppel, General in his majestys forces, Knight Grand Cross of the order of the Bath &c" owning $72.200, it proposes to give $18.050, and to Baring Brothers &Co, one of whom was lately announced a member of an Anti Reform cabinet, owning $791.500 of stock it proposes to give at least $197.875. For these enormous gratuities to foreigners and to some of our own rich citizens this act secures no equivalent whatever. They are the certain gains of the present stock-holders under the operation of this act (after,

after making full allowance for the payment of the bonus.

Every monopoly and all exclusive privileges are granted at the expense of the people who ought to receive a fair equivalent. Wealth cannot be made out of nothing: and the many millions which this act proposes to bestow on the stockholders of the existing Bank, must come directly or indirectly out of the earnings of the American people. It is due to them therefore, if their Government sell monopolies and exclusive privileges, that they should at least exact for them as much as they are worth in open market. The value of the monopoly in this case may be correctly ascertained by the aggregate market price of the stock above par upon the renewal of its charter, added to the whole amount of the bonus. That the stock would be at an advance of fifty per cent is not doubted. The twenty eight millions of stock would

(com)

command in market at least forty two millions of dollars subject to the payment of the bonus. The present value of the monopoly is, therefore, seventeen millions of dollars, and this the act proposes to sell for three millions payable in fifteen annual instalments of $ 200.000 each.

It is not conceivable how the present stockholders can have any claim to the special favor of the Government. One gratuity of seven millions of dollars certainly gives them no claim to another: and having enjoyed their monopoly during the period stipulated in the original contract they ought now to pay for its renewal as much as would be given by other citizens for like privileges, or be content to see them pass into other hands. If we must have such a corporation why should not the Government sell out the whole stock itself, and thus secure to the people the full

market

market value of the privileges granted? Why should not Congress create and sell thirty eight millions of stock incorporating the purchasers with all the powers and privileges secured in this act and putting the premium upon the sales into the Treasury. They would thus secure to the people at one fourteen millions for the very rights and powers which this act sells for three payable in fifteen annual instalments.

But this act does not permit competition in the purchase of this monopoly. It seems to be predicated on the erroneous idea, that the present stockholders have a prescriptive right not only to the favor but to the bounty of Government. It appears that there are in this Bank [illegible] stockholders: of these

are foreigners owning $8.405.500:

are resident stockholders, being in proportion to the whole population of the

the republic as one to or thereabouts. Of the resident stockholders individuals own of the stock, being on an average about each, leaving less than in the hands of the middling classes of our society. Chiefly for the benefit of these foreigners and rich residents does this act exclude the whole American people from competition in the purchase of this monopoly, and sell it for fourteen millions less than it is worth. Some of our citizens, not now stockholders, petitioned that the door of competition might be opened, and offered to take a charter on terms much more favorable to the Government and country. They asked an act of incorporation of the following description, or to use their own words on "such other reasonable conditions as may seem meet" — The capital to consist of fifty millions of dollars.

(Any)

: Any sum less than half the whole amount to be subscribed by the : the subscription books to be open to all the citizens, and if more than the capital be subscribed, the stock to be apportioned equitably among the subscribers by commissioners appointed for that purpose. They offered to pay into the Treasury a bonus of one per cent per annum on the whole amount of the stock, and a tax to the states of one per cent on the capital employed in them respectively, on condition that they should have in other respects the same rights, powers and privileges, and be subject to the same restraints and liabilities as the present Bank.

4th Annual Message

D's draft of Pres. secn.

~~R. I. 599–600~~

It is my duty to

~~The Secretary of the Treasury will~~ acquaint you with an arrangement made by the Bank of the United States with a portion of the holders of the 3 per cent stock by which the Government will be deprived of the use of the public funds longer than was anticipated. By ~~this~~ that arrangement which will be particularly explained by the Secretary of the Treasury a surrender of the certificates of this stock may be postponed until October 1833: and thus the liability of the Government, after its ability to discharge the debt ~~for the principal of the debt~~, may be continued, ~~after its ability to discharge~~ it by the failure of the Bank to perform its duties.

Such measures as are within the reach of the Secretary of the Treasury have been

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taken ~~as will~~ to enable him to judge whether the public deposits in that institution may be regarded as entirely safe: but as his limited power may prove inadequate to this object I recommend the subject to the attention of Congress under the firm belief that it is worthy of their serious investigation.

An enquiry into the transactions of the Bank institution embracing the branches as well as the Mother Bank, seems called for by the credit which is given throughout the country to many serious charges impeaching its character, and which if true may justly excite the apprehension that it is no longer a safe depository of the money of the people.

4th Annual Message

Sectn re B.U.S. – A.J.D. hand.

NOT final form.

~~B II [illegible] 600.~~

Bank U S   To follow the tariff and
the notice of nullification

The Secretary of the Treasury will make you acquainted with an arrangement entered into ~~made~~ by the Bank of the United States with a portion of the holders of the 3 per cent stock by which ~~it will not be in the power of the~~ Government may be deprived of ~~the absolute~~ use of the public funds ~~to discharge the public debt as early~~ longer than as was anticipated. ~~It appears~~ By that arrangement ~~that the Bank is the instrument by which~~ the surrender of the certificates may be ~~is~~ postponed until October 1833, upon an agreement by the Bank ~~having agreed to pay or to~~ to pay or become responsible for, an increased interest on the stock ~~sum postponed~~: and ~~that~~ thus the desire ~~object~~ of the Government to relieve ~~in relieving~~ itself of the responsibility of the debt (as soon as it may be able to discharge it), is defeated. A proper demand has been made for the certificates and such ~~other steps~~ measures are taken by the Secretary of the Treasury as will furnish the information necessary to enable him ~~the Executive~~ to judge whether the public deposits ~~are safe~~ in that institution may be regarded as entirely safe. To facilitate the same object I recommend to Congress the institution of a similar inquiry into the manner in which the affairs of the institution generally including the transactions of the branches as well as those of the mother bank are conducted. Such an

[illegible]

urging sums called for by the credit which is given throughout the country to many serious charges ~~tells~~ upon impeaching its character, and which the reputation of the Bank as well as & the interest of the Government and people require should be satisfactorily disproved.

The Secretary of the Treasury will make you acquainted with an arrangement entered into by the Bank of the United States with the holders of the 3 per cent stock, by which the Government may be deprived of the use of the public funds longer than was anticipated. By that arrangement a surrender of the certificates of that stock may be postponed until October 1833.

Such measures have been taken by the Secretary of the Treasury as will enable him to judge whether the public deposits in that institution may be regarded as entirely safe. But as his limited power may prove inadequate to this object. I recommend ~~to Congress~~ the ~~[illegible]~~ subject to the attention of Congress under the belief that it is worthy of their investigation a proper demand for the information has been made and as far as the limited power of the Secretary of the Treasury ~~can~~ ~~make~~ prosecute the enquiry, ~~proper measures~~ additional steps ~~are taken~~ have been taken to ascertain whether the public deposits may be regarded as entirely safe in that institution: but as his limited power may prove inadequate to this object I recommend to Congress the institution of a similar enquiry into the manner in which the transactions of that institution have been conducted including ~~those~~ of the branches ~~as~~ well as those ~~as well as the~~ ~~principal~~ mother the Bank -

Such an examination seems called for by the credit which is given throughout the country to the many serious charges impeaching its ~~[illegible]~~ character, and which the interest of the government and the people require to be investigated.

4 Dec. 1832 —

Draft of passage *re*
B.U.S. in 4th Annual
Message. Cf. Richardson,
~~*MPP*, II: 600.~~

Presidents—
Memos:

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The Secretary of the Treasury will make you acquainted with an arrangement made by the Bank of the United States with a portion of the ~~Stock~~ holders of the 3 per c Stock by which it will not be in the power to discharge the public debt as early as was anticipated. It appears by that arrangement that the certificates of stock will not be surrendered before October 1833, and that the Bank has assumed to pay the interest and that the object of the Govmt in relieving itself from the responsibility of the debt as soon as it was able to discharge it, is defeated.

For a specific account of the prosperous state
of our fiscal concerns, and the state of our
public debt I refer you to the Report of
the Secretary of the Treasury, and draw
your particular attention to that part
of it which brings to view the conduct
private
of the bank in its arrangement with the by offering them pr
the foreign stockholders which has
~~prevented~~ induced them ~~from~~ not to come for
=ward for payment until 1833. Thus while
the bank pays the interest the government
is bound for the principle; the object
~~of~~ the government to pay off the debt &
relieve itself from responsibility is defeated.
A peremptory demand has been made for
the certificates, and the Secretary of the Treasury
is making the necessary enquiries, and
if the certificates shall not be speedily pro=
=duced the government will be obliged
to look out other keepers of its money
who will punctually apply ~~it~~ to the pay=
=ment of the public debt &c publickly
Many charges ~~have~~ been made against
this agent of the government, such as lending
immense sums to brokers and thereby im
pairing its ability to discharge the public
claims, & to accommodate meritorious applicants
for loans. It is charged with loaning money
political
~~to partizans~~ money, editors, men in office &
partizans in elections, while it has thrown

~~[illegible]~~ out the more discerning portion of commercial men. It has been charged with printing and distributing at its own expense, inflamatory ~~and~~ libellous political tracts. It has been charged with throwing its whole weight into the political conflicts of the present year attempting to control the elections of State legislators, governors, congressmen, President & vice President ~~& under~~ these circumstances I cordially unite with the Secretary of the Treasury in urging upon congress a severe scrutiny into the conduct of the Bank, and that it be extended to each of its branches. the character of our ~~[illegible]~~ country & the interest of the government with the safety of its deposit imperiously require this investigation.

If it shall appear that this agent of the Treasury has set itself at work to defeat the the purposes of the government in paying off the public debt, because its own bad management had rendered it impossible to refund the public money which had been deposited in its vaults, or because it wanted to ~~retain~~ the money for purposes of speculation; If it shall appear that instead of being the instrument of the government in discharging its constitutional functions, it has arrogated the power and used the public funds to control the elections and govern the government it was created to serve. It is time to look out for other agents more worthy and more [illegible] trusted with the money of the american people.

4th Annual Message

AJ. Donelson

Internal Improvements sect. 1st sentence omitted in final, otherwise almost final

~~R. II. 601-602.~~

In adjusting the policy of our Government at this interesting period, one of the most important as well as difficult subjects of consideration is that of internal improvement. In former messages I have expressed my conviction that the constitution does not warrant the application of the funds of the general Government to objects which are not national in their character, and both as a means of doing justice to all interests and putting an end to a course of legislation calculated to destroy the purity of our Government, have urged the necessity of reducing the whole subject to some fixed and certain rule. As there never will occur a period, perhaps, more propitious, than the present, to the accomplishment of this object, I beg leave to press ~~it~~ the subject again upon your attention.

Without some general and well defined principles ascertaining those objects of internal improvement to which the means of the nation may be constitutionally applied, it is obvious that the exercise of the power ~~will~~ can never be satisfactory. ~~It must be~~ ~~necessarily exposed liable~~ Besides the danger to which the is constantly exposed of making hasty appropriations to works of the character of which Congress ~~must~~ may be ~~necessarily~~ frequently ignorant, it promotes that mischievous and corrupting influence upon elections which results from holding out to the people the fallacious hope that the success of a certain candidate will make navigable his favorite neighboring river or creek, bring commerce to their doors and increase the value of their property. It thus favors combinations to squander the treasure of the country upon a multitude of local objects as fatal to just legislation as it is to the purity of public men and ~~the true interests of the people~~

If a system compatible with the constitution cannot be devised which is free from such tendencies, we should recollect that that instrument provides within itself the mode of its amendment, and that there is therefore no excuse for the assumption of doubtful powers by the General Government. If those which are clearly granted shall be found incompetent to the ends of its creation it can at any time apply for their enlargement: and there is no probability that such an application if founded on the public interest will ever be ~~denied~~ refused. If the propriety of the proposed grant be not sufficiently apparent to command the assent of three fourths of the states the best possible reason why the power should not be assumed on doubtful authority is afforded: for if more than ~~three~~ one fourth of the states are unwilling to make the grant its exercise will be productive of discontents which will far overbalances any advantages that could be derived from it. ~~[illegible]~~ must admit that there is nothing so worthy of the constant solicitude of this Government as the harmony and union of the people.

Being solemnly impressed with the conviction that the extension of the power to make internal improvements beyond the limit I have suggested, even if it be deemed constitutional, is subversive of ~~the purity of Legislation, the interests of the people, and the quiet~~ of the best interests of our country, I earnestly recommend to Congress to refrain from its exercise in doubtful cases except in relation to improvements already begun, unless they ~~shall~~

first procure from the States such an amendment of the constitution as shall define ~~its~~ its character and prescribe its bounds. If the States feel themselves competent to these objects, why should this Government wish to assume the power? If they do not, then they will not hesitate to make the grant. Both Governments are the Governments of the people: improvements must be made with the money of the people; and if the money can be collected and applied by those more simple and economical political machines, the State Governments, it will unquestionably be safer and better for the people than to add to the splendor, the patronage and the power of the general Government. But if the people of the several states think otherwise they will amend the constitution, and in their decision all ~~will~~ must cheerfully acquiesce, ~~even~~ ~~altho it may be injurious to themselves.~~

4th Annual Message

[Navy Dept. Clerk's Hand?]
Navy Sectn, somewhat
abbreviated in final.

~~R. II. 604-5.~~

For a detail of the operations of the Navy Department reference can be had to the annual report annexed.

Besides the general remarks on some of the transactions of our Navy abroad, which have been offered in connexion with our Foreign Relations, I seize this occasion to invite your notice to the gratifying circumstance of the increased extension of our Naval protection to our commerce and Citizens in distant seas, without any augmentation of the force in commission & to the gradual ~~[illegible]~~ improvement in its pecuniary concerns — and at the same time its constant progress in the collection of all materials suitable for use during future emergencies, and in the erection of necessary Wharves, Timbersheds, Dwelling Houses, and Hospitals, as well as of the two Dry Docks. — These all are, in various degrees, so conducive to future convenience at the different Yards, to sound economy and great despatch in both the repairs and construction of Vessels, and to the health and efficiency of those engaged in this essential branch of the public service, as to merit all the care and vigilance bestowed on them.

Various new suggestions contained in the Annual report, as well as some heretofore submitted to Congreſs, deserve in my opinion its prompt attention, and none more so, perhaps, than the renewal for another term of six years of the general appropriation for the gradual Improvement of the Navy.

4th Annual Message

Navy Dept Sectn — Draft by A.J.D. — 1st ¶ recast in final text.

P.O. ¶ on verso — also recast in final

~~R. II. 604-5~~

Navy.

For a detail of the operations of the Navy department, during the present year I refer you to the annual report ~~of the Secretary~~ on the subject which accompanies this communication.

Besides the general remarks on some of the transactions of our Navy abroad, presented in the view which has been taken of our Foreign relations, I seize this occasion to invite to your notice the increased protection which ~~has been~~ it has afforded ~~by this branch of the service~~ to our commerce and citizens on distant seas without any augmentation of the force in commission. In the gradual improvement of its pecuniary concerns ~~and~~, in the constant progress in the collection of the materials suitable for use during future emergencies, ~~in the erection of the buildings which have been authorised~~, in the construction of vessels and the buildings necessary to their preservation and repair, the present state of this branch of the service ~~affords the~~ exhibits the ~~effects~~ fruits of ~~that vigilance & care so proper~~ that vigilance and care which are so necessary to its efficiency. Various new suggestions contained in the annual report, as well as others heretofore submitted to Congress are worthy of your attention, but none more so than that urging the renewal for another term of six years, of the general appropriation for the gradual improvement of the Navy.

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From the report of the Post master Genl. which accompanies this communication, you will also perceive that that Department continues to extend its usefulness without impairing its resources, or lessening the accommodations which it affords in the secure and rapid transportation of the mail.

4th Annual Message

A. J. Donelson -
Public Lands Sectn

with correctns, practically
final text
Pencil correctns by Eaton

~~R. II. 600–601~~

W

Public Lands 1

In place of this write what is on the 4th page of this sheet and then so on commencing with, "It cannot be doubted" &c

Among the interests which must be considered in the adjustment of our national policy upon the payment of the public debt one of the most important in my view is that of the public lands. After the adoption of the Constitution these lands were ceded by the several states or were acquired by the United States as a common fund for the common benefit and have by the laws of the United States been pledged to the extinguishment of the public debt. As the lands may now be considered as relieved from this pledge it is in the power of Congress to dispose of them in any way which, in their discretion, may be ~~thought~~ most conducive to the general interests of the American people and not inconsistent with the terms upon which they were ceded. As they are no longer needed as a source of revenue the question of policy in their distribution will not be embarrassed by any consideration connected with the wants of the Treasury. In examining this question all local or sectional ~~interests~~ feelings should be discarded and the whole United States considered as one people interested alike in the prosperity of their common country.

It cannot be doubted that the speedy settlement of these lands ~~is~~ constitutes the true interest

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of the republic. The wealth and strength of a country are its population; and the ~~stoutest~~ best part of that population are the cultivators of the soil. Independent farmers are every where the basis of society and ~~the~~ true friends of liberty.

In addition to these considerations questions have already arisen and may be expected hereafter to grow out of the public lands which involve the rights of the new states and the powers of the General Government. & unless a liberal policy be now adopted, there is danger that these questions ~~will~~ may speedily assume an importance not now generally anticipated. The influence of a great sectional interest when brought into full action will be found more dangerous to the harmony and union of the states than any other cause of discontent: and it is the part of wisdom and sound policy to foresee its ~~evils~~ approaches and endeavor if possible to ~~avert~~ counteract them.

Of the various schemes which have been hitherto proposed in regard to the disposal of the public lands none has yet received the entire approbation of the national

Among the subjects which merit the consideration of Congress after the payment of the public debt one of the most important in my view is that of the public lands. Previous to the formation of our present constitution it was recommended by Congress that a portion of the waste lands owned by the States should be ceded to the United States for the purposes of general harmony and as a fund to meet the expenses of the war: the recommendation was adopted and at different periods of time the States of Massachusetts, New York, Virginia, North & South Carolina & Georgia granted their vacant soil for the uses and purposes for which they had been asked. As the lands may now be considered as relieved from this pledge, the object for which they were ceded having been accomplished, it is in the discretion of Congress to dispose of them in such a way as best to conduce to the quiet, harmony and general interest of the American people. In examining this question all local or sectional feelings should be discarded and the whole U. States considered as one people interested alike in the prosperity of our common country.

Legislature. Deeply impressed with the
vital importance of a speedy and satis-
-factory arrangement of the subject I therefore
deem it my duty on this occasion to urge
it upon your consideration, and, to the
propositions which have been heretofore suggested
by others, to contribute those reflections which
have occurred to me, in the hope that they
may assist you in your future deliberations
on the whole subject.

It seems ~~It seems~~ to be our true
policy that the public lands shall cease ~~as~~
~~soon~~ as soon as practicable to be a
source of revenue, and that they shall
be sold to settlers in limited parcels at a
price barely sufficient to reimburse to the
United States the expenses of the present
and the cost arising under our Indian compacts, ~~and~~
system. The advantages of accurate
surveys and undoubted titles, now secured
to purchasers seem to forbid the abolition
of the present system because none can
be substituted which will more perfectly
accomplish these important ends. It
is desirable however, that in convenient
time, this machinery shall be withdrawn
from the New States: and with that view
& the right of soil & the future disposition of it, be surrendered
to the States respectively in which ~~they~~ the public lands are situated

the price of lands may be graduated according to the number of years they have been in market in such manner as to reimburse the General Government, and the lands remaining unsold, but surveyed and ready for sale, after a fixed period may be ceded at a reasonable price to the States within which they lie. If these views be adopted the public sales may soon be abolished and the maximum price for the first period after which the lands are prepared for entry, and within which they may be offered for sale need not be greater than cents per acre, and those which have been long in market may be offered at a much lower rate.

The adventurous and hardy population of the west, besides contributing their equal share of taxation under our impost system, have in the progress of our Government paid into the Treasury for the lands they occupy ~~about~~ a large proportion of $40. millions of dollars: ~~and~~ but little of this sum from the nature of the public wants, but a small portion of this ~~have~~ been expended amongst them.

and of the revenue received therefrom but a small portion has been expended amongst them

Public Lands 3

— When to the disadvantage of their situation in this respect we add the consideration that it is their ~~[illegible]~~ alone which gives real value to the lands and that the proceeds arising from their sale are distributed chiefly among states which had not originally any claim to them and which have enjoyed the undivided emoluments arising from the sale of their own lands, it cannot be expected that the new states will remain longer contented with the present policy after the payment of the public debt. To avert the consequences ~~of which~~ which may be apprehended from this cause, to put an end forever to all partial and interested legislation on the subject and to afford to every American citizen of enterprise the opportunity of securing an independent freehold, it seems to me expedient and proper ~~therefore best~~ to abandon the idea of ~~at once all schemes for~~ raising a future revenue out of the public lands. ~~If it be thought necessary a stipulation may be required from those states with whom there are compacts respecting the public lands releasing the United States from their obligations.~~

4th Annual Message

Louis McLane's draft of
sect^n on reduct^n of revenue.
(apparently)
Final text.

~~R. II. 597-8~~

Long and patient reflection has strengthened the opinions I have heretofore expressed to Congr upon this subject, and I deem it my duty on th present occasion again to urge them upon the attention of the Legislature. The soundest maxims of public policy and the principles upon which our republican institutions are founded recommend a proper adaptation of the revenue to the expenditure, and they also require that the expenditure shall be limited to what, by an economical administration shall be consistent with the simplicity of the Government and necessary to an efficient public service. In effecting this adjustment it is due in justice to the interests of the different States and even to the preservation of the Union itself, that the protection afforded by existing laws to the

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national industry should not exceed what may be necessary to counteract the regulations of foreign nations, and secure a supply of those articles of manufacture essential to the national independence & safety in the time of war. If upon investigation it shall be found, as it is believed it will be, that the legislative protection granted to any particular interests is greater than is indispensably ~~[illegible]~~ requisite for these objects, I recommend that it be gradually diminished, and that as far as may be consistent with those objects, the whole scheme of duties be reduced to the revenue standard as soon as a just regard to the faith of the government and to the preservation of the large capital which has been invested in establishments of domestic industry will permit.

4th Annual Message?

Draft by A. J. D. of the So. Carolina sectn — ? in the final reduced to a single ¶.

~~R. II. 99~~

~~But it is obvious that there is ~~danger of a different temper~~ in one quarter of the Union a spirit at work which is more anxious to subvert ~~this fundamental principle in the creed of~~ either than to give stability to this principle.~~

~~~~It is deemed worthy of the attention of Congress~~~~

~~But obvious as this duty is it seems~~

(4)

Union than the proceedings to which I have adverted. To keep in time of peace a standing army of well drilled volunteers not only for the declared purpose of resisting the authority of the laws ~~not only~~ within the limits ~~of their own state~~ of S. Carolina, but of aiding ~~lawless~~ combinations among citizens of other states to ~~resist~~ prevent the due enforcement of the laws

is the highest of all public crimes –
~~~~

②

and disciplined with the ~~declared~~ object, as expressed by the Govr. ~~of the State~~ in his address to them, and by the ~~papers~~ public journals that are known to be the confidence of the leading partys in the State, that they are soon to be employed in aiding their fellow citizens of Alabama in preventing the removal of intruders from the public lands; thus exciting and encouraging rebellion and resistance to the laws of the United States. Not doubting that congress will see the evils which will result from such attempts to bring into discredit the just authority of the constitution & the laws, and will take such measures as will be calculated to prevent them for the future, I have deemed it my duty to bring the subject to their consideration.

In the attainment of this object it would seem to be necessary to ~~define~~ declare by proper enactments what shall be considered by any State of the United States as "keeping of troops or ships of war in time of peace or entering into any agreement or compact with another State or Foreign Power" and to define not only the offence but the punishment which shall be affixed to it. Nothing can be more injurious to the peace and harmony of society and more dangerous to the existence of the

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Obvious and exact, however, as this principle has been heretofore considered, it appears that in one quarter of the union there are evidences of a spirit to pervert it to the purposes of faction & violence. Thus appears to me to be the character of the proceedings which are still countenanced by the authorities of S. Carolina in reference to the execution of the laws of the United States, and which still hold out the idea of maintaining a forcible ~~an~~ opposition to the Federal authority when in the discharge of its solemn & customary duties. Portions of the militia of that state appear to be still embodied

4th Annual Message

Ed. Livingston's draft of ¶ re Spain —
final one for date.

~~R. II. 570.~~

By the report of the Secretary of State communicated to you on the 25 June last you were informed of the conditional reduction obtained by the Minister of the U.S. at Madrid of the duties on tonnage levied on American shipping in the ports of Spain. The condition of that reduction having been complied with on our part by the act passed the day of July — I have the satisfaction to inform you ~~State~~ our ~~[illegible] are now received in the Ports of the~~ Ships now pay no higher nor other duties in the continental ports of Spain than national vessels on and ~~on the same terms with those of the Kingdom~~.

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